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A COMPILATION OF ACTS OF ASSEMBLY
OF PENNSYLVANIA

RELATIVE TO

THE STATE DEPARTMENT OF HEALTH

LOCAL BOARDS OF HEALTH, THE PURITY OF THE
WATER OF THE STATE AND OTHER LAWS FOR
THE PREVENTION OF COMMUNICABLE
DISEASE and THE TREATMENT
OF TUBERCULOSIS

PUBLISHED BY AUTHORITY OF THE DEPARTMENT OF HEALTH

HARRISBURG:

C. E. AUGHINBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA

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PART I.

Laws Relating to the Department of Health
of Pennsylvania.



PART I.

LAWS RELATING TO THE DEPARTMENT OF HEALTH OF PENNSYLVANIA.

I.

1. THE COMMISSIONER OF HEALTH.

The Department of Health shall consist of a Commissioner of Health and an advisory board.

The Commissioner of Health shall be the head of the department, and shall be appointed by the Governor, with the advice and consent of the Senate. He shall be a physician of at least ten years' professional experience, and a graduate of a legally constituted medical college.

The term of office of the Commissioner first appointed hereunder shall expire on the first day of March, one thousand nine hundred and seven, and the term of office of every Commissioner thereafter appointed shall be four years, beginning on the first day of March, of the year in which he is appointed.—Sec. 1, Act Apr. 27, 1905, P. L. 312.

2. ABOLITION OF STATE BOARD OF HEALTH.

Upon the appointment and qualification of the Commissioner of Health the terms of the members of the State Board of Health and the Secretary of such board shall expire, and no appointments shall thereafter be made to those offices.—Sec. 1, Act Apr. 27, 1905, P. L. 312.

3. SALARY OF COMMISSIONER OF HEALTH.

The Commissioner of Health shall receive an annual salary of ten thousand dollars, and his expenses actually and neces-

sarily incurred in the performance of his official duties, to be paid monthly by the State Treasurer, on the warrant of the Auditor General.—Sec. 2, Act Apr. 27, 1905, P. L. 312.

II.

ADVISORY BOARD.

1. Constitution of Board.

The advisory board shall consist of six members, a majority of whom shall be physicians, graduates of legally constituted medical colleges and of at least ten years' experience in the practice of their profession, and one of whom shall be a civil engineer. The members of the advisory board shall be appointed by the Governor, with the advice and consent of the Senate. Any vacancy occurring in said board, during a recess of the Legislature, shall be filled by the Governor, until the next regular session of the same. The term of office of the members of the advisory board shall be four years from the date of appointment.—Sec. 3, Act Apr. 27, 1905, P. L. 313.

2. Commissioner of Health to Preside at Meetings of Board— Quorum— Expenses of Members.

The Commissioner of Health shall preside at the meeting of the board, and shall be entitled to a vote upon any matter that comes before it.

Three members of the advisory board, together with the Commissioner of Health, shall constitute a quorum for the transaction of business.

No member of the advisory board shall, as such, receive any salary; but the actual traveling and other expenses of any member while engaged on the actual duties of the board shall be allowed, and paid on presentation to and approval by the Auditor General of an itemized account.—Sec. 4, Act Apr. 27, 1905, P. L. 313.

3. MEETINGS AND DUTIES OF ADVISORY BOARD.

The advisory board shall meet in the Capitol, at Harrisburg (unless otherwise ordered by the board), on the call of the Commissioner of Health.

It shall be the duty of the advisory board to advise the Commissioner on such matters as he may bring before it, and to draw up reasonable orders and regulations as are deemed by said board necessary for the prevention of disease and for the protection of the lives and health of the people of the State, and for the proper performance of other work of the Department of Health.—Sec. 5, Act Apr. 27, 1905, P. L. 313.

III.

GENERAL POWERS OF COMMISSIONER OF HEALTH.

1. Employment of Clerks and Assistants.

The Commissioner of Health may employ such clerical and other assistants as are necessary for the proper performance of the work of the department, and he may distribute appropriate powers and duties to the employes of the Department of Health, not inconsistent with the Constitution or laws of this State.—Sec. 6, Act Apr. 27, 1905, P. L. 313.

2. Employment of Experts.

The Commissioner may, from time to time, employ competent persons to render sanitary service and make or supervise practical and scientific investigations and examinations requiring expert skill, and prepare plans and reports relative thereto, and he may purchase such supplies and materials as may be necessary in carrying on the work of his department.—Sec. 7, Act Apr. 27, 1905, P. L. 313.

3. Issue of Subpoenas and Warrants.

He may issue subpoenas to secure the attendance of witnesses, and compel them to testify in any matter or proceeding before him or his authorized agent.

He may issue warrants to any sheriff, constable or policeman to apprehend and arrest such persons who disobey the quarantine orders or regulations of the Department of Health. Every warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the Commissioner.—Sec. 7, Act Apr. 27, 1905, P. L. 313.

4. To Protect the Public Health.

It shall be the duty of the Commissioner of Health to protect the health of the State and to determine and employ the most efficient and practical means for the prevention and suppression of disease.—Sec. 8, Act Apr. 27, 1905, P. L. 314.

5. To Examine and Abate Nuisances Affecting Public Health and to Enforce Quarantine Regulations.

The Commissioner of Health shall cause examination to be made of nuisances or questions affecting the security of life and health in any locality, and for that purpose the Commissioner, and any person authorized by him so to do, may, without fee or hindrance, enter, examine and survey all grounds, vehicles, apartments, buildings, and places within the State, and all persons so authorized by him shall have the powers and authority conferred by law upon constables.—Sec. 8, Act Apr. 27, 1905, P. L. 314.

The Commissioner shall have the power and authority to order nuisances, detrimental to the public health, or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations.—Sec. 9, Act Apr. 27, 1905, P. L. 314.

If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the Commissioner of Health for the abatement or removal thereof, the Commissioner, his agents or employes, may enter upon the premises to which such order relates and abate or removed such nuisance.—Sec. 9, Act Apr. 27, 1905, P. L. 314.

6. Expenses of Abatements—Liens.

The expense of such abatement or removal shall be paid by the owner or occupant of such premises, or by the person who caused or maintained such nuisance, and such expense shall be a lien upon the lands upon which the nuisance was maintained; for which a claim may be filed by the Commissioner, in the name of the Commonwealth, in the court of common pleas for the county in which the lands are, within six months from the date of completion of the work of abatement or removal, subject to the same proceedings for entry or revival of judgment and execution as are provided by law for other municipal liens. The Commissioner may also maintain an action against such owner or occupant, in the name of the Commonwealth, to recover the amount of such expense, in the same way as debts of like amount are by law recoverable; and the same, when recovered either by enforcement of the lien or by the personal action, shall be paid to the State Treasurer, to be held and used as the funds of the Department of Health; but a final recovery of the amount, in one proceeding, shall be a bar to the further continuance of the other: Provided, however, That this act shall not apply to waters pumped or flowing from coal mines or tanneries.—Sec. 9, Act Apr. 27, 1905, P. L. 314.

7. To Have Supervision of Registration of Vital Statistics— The Bureau of Vital Statistics to Be Maintained as a Part of His Department.

It shall be the duty of the Commissioner of Health to have general supervision of the State registration of births, marriages, deaths, and diseases; of practitioners of medicine and surgery; of midwives, nurses and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and disease. He shall prescribe and prepare the necessary methods and forms for obtaining and preserving such statistics, and

shall secure the prompt and faithful registration of the same in a Bureau of Vital Statistics, to be maintained as a part of his department.—Sec. 10, Act Apr. 27, 1905, P. L. 315.

The Commissioner of Health may, with the advice and concurrence of the advisory board, make appropriate regulations for the thorough organization and efficiency of the registration of vital statistics throughout the State, and the Commissioner shall have the power and authority to enforce such regulations.—Sec. 11, Act Apr. 27, 1905, P. L. 315.

S. May Apportion State Into Ten Districts, and Appoint a Health Officer for Each District.

In order to insure the official registration of vital statistics and the management of the sanitary affairs in the different parts of the State, the Commissioner of Health may apportion the State into ten districts; and in each district he shall appoint a health officer, who shall, under the direction of the Commissioner of Health, have supervision and control of the sanitary affairs of the district, and of the registration of vital statistics within the district. Such health officer shall be a physician of at least five years' professional experience, a graduate of a legally constituted medical college, and a resident of the district which he represents. He shall receive an annual salary of two thousand five hundred dollars, and his expenses actually and necessarily incurred in the performance of his official duties. The Commissioner of Health may appoint and employ such assistants to the health officers of the districts as he may deem necessary, in carrying out the provisions of this act.—Sec. 11, Act Apr. 27, 1905, P. L. 315.

9. May Revoke or Modify Orders, etc., of Local Boards of Health When Affecting Public Health Beyond their Jurisdiction.

The Commissioner of Health may revoke or modify any order, regulation, by-law, or ordinance of a local board of health, concerning a matter which, in his judgment, affects the public health beyond the territory over which such local board has jurisdiction.—Sec. 12, Act Apr. 27, 1905, P. L. 315.

10. To Make an Annual Report to the Governor.

The Commissioner of Health shall, annually, on or before the first day of February, make a written report to the Governor, upon the vital statistics and sanitary conditions and prospects of the State. Such report shall set forth the action of the department and of its officers and agents, and the names thereof during the past year; a detailed statement of all moneys paid out by, or on account of, the department, and the manner of its expenditures, during the year, and other useful information, and shall suggest any further legislative action or precaution deemed necessary for the better protection of life and health.—Sec. 13, Act Apr. 27, 1905, P. L. 316.

11. To Have All Powers Heretofore Conferred on the State Board of Health.

The Commissioner of Health, in addition to the powers conferred by this act, shall have all the powers conferred, and perform all the duties heretofore imposed, by law upon the State Board of Health, or any member, committee or officer thereof, including the secretary.—Sec. 14, Act Apr. 27, 1905, P. L. 316.

12. To Prosecute or Defend Pending Actions Brought by or Against Said Board.

This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the State Board of Health or its officers; but such actions or proceedings may be prosecuted or defended, in the same manner and to the same effect by the Commissioner of Health as if originally begun by or against him. Nor shall any provision hereof affect in any manner any order or recommendation made by, or any other matters or proceedings before, the State Board of Health, and all such matters and proceedings pending before the board when this act takes effect shall be continued before the Commissioner of Health.—Sec. 14, Act Apr. 27, 1905, P. L. 316.

IV.

ADDITIONAL GENERAL POWERS OF THE COMMISSIONER OF HEALTH ORIGINALLY CONFERRED UPON THE STATE BOARD OF HEALTH.

Section 14 of the Act of April 27, 1905, P. L. 316, *supra*, confers upon the Commissioner of Health all powers theretofore imposed by law upon the State Board of Health, which are as follows:

1. The [State Board of Health and Vital Statistics] Commissioner of Health shall have the general supervision of the interests of the health and lives of the citizens of the Commonwealth, and shall especially study its vital statistics. [It] He shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemic diseases, including those of domestic animals, the sources of mortality and the effects of localities, employments, conditions, habits, food, beverages and medicine on the health of the people. [It] He shall also disseminate information upon these and similar subjects among the people. [It] He shall, when required by the Governor or the Legislature, and at such other time as [it] he deems it important, institute sanitary inspections of public institutions or places throughout the State. [It] he shall codify and suggest amendments to the sanitary laws of the Commonwealth, and shall have power to enforce such regulations as will tend to limit the progress of epidemic diseases.—Sec. 1, Act June 3, 1885, P. L. 58.

2. May Abate Nuisances and Enforce Quarantine Regulations Where There Are No Local Boards of Health, or Where the Sanitary Laws or Regulations Are Inoperative.

In cities, boroughs, districts and places having no local board of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist should be inoperative, the [State Board of Health] Commissioner of Health shall have power and authority to order nuisances, or the cause of any special disease or mortality, to be abated and removed, and to enforce quarantine regulations as said [board] Commissioner shall direct.

Any person who shall fail to obey or shall violate such order shall, on conviction, be sentenced to pay a fine of not more than one hundred dollars, at the discretion of the court.—Sec 6, Act June 3, 1885, P. L. 58.

3. To Receive Reports From Health Boards and Officers, and to Require Reports and Information From Public Institutions, Managers of Public Resorts, Etc.

It shall be the duty of all health officers and boards of health in the State to communicate to said [State Board of Health] Commissioner of Health copies of all their reports and publications, and also such sanitary information as may be requested by said [board] Commissioner. And said [board] Commissioner is authorized to require reports and information (at such times and of such facts and generally of such nature and extent as its [his] by-laws or rules may provide), from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all places of public resort in the State; but such report shall only be required concerning matters or particulars in respect of which [it] he may in [its] his opinion need for the proper discharge of [its] his duties.—Sec. 8, Act June 3, 1885, P. L. 58.

4. Annual report of the Commissioner to be printed, bound and distributed.

From and after the passage of this act, the printing, binding, distribution and number of the several public documents of this Commonwealth shall be as follows, to-wit:

Three thousand four hundred copies of the annual report of the Commissioner of Health, five hundred for the Senate, one thousand for the House, one thousand five hundred for the Commissioner of Health, fifty for the Governor, fifty for the Secretary of the Commonwealth, and three hundred for the State Librarian.—Sec. 1, Act April 22, 1905, P. L. 130.

POWERS AND DUTIES OF THE COMMISSIONER OF
HEALTH RELATIVE TO THE PRESERVATION OF
THE PURITY OF THE WATERS OF THE STATE.

1. "Waters of the State" Defined.

The term "waters of the State," wherever used in this act, shall include all springs, and streams and all bodies of surface and of ground water, whether natural or artificial, within the boundaries of the State.—Sec. 1, Apr. 22, 1905, P. L. 260.*

2. Corporations and Individuals Supplying Water to the Public to File Certified Copies of Plans and Surveys of Their Waterworks.

Every municipal corporation, private corporation, company, and individual supplying or authorized to supply water to the public, within the State, shall, within sixty days after the passage of this act, file with the Commissioner of Health a certified copy of the plans and surveys of the waterworks, with a description of the source from which the supply of water is derived; and no additional source of supply shall thereafter be used, without a written permit from the Commissioner of Health, as hereinafter provided.—Sec. 2, Act Apr. 22, 1905, P. L. 260.

3. Corporations and Individuals Not to Construct Waterworks for Supply of Water to the Public Without a Permit From the Commissioner of Health.

No municipal corporation, private corporation, company, or individual shall construct waterworks for the supply of water to the public within the State, or extend the same, without a written permit, to be obtained from the Commissioner of Health if, in his judgment, the proposed source of supply appears to be not prejudicial to the public health.—Sec. 3, Act Apr. 22, 1905, P. L. 260.

*This Act is constitutional. *Com. v. Emmers*, 33 Pa. Super. Ct. 151 (1907).

4. Application for Permit to Construct Waterworks for Supply of Water to the Public.

The application for such permit must be accompanied by a certified copy of the plans and surveys for such waterworks, or extension thereof, with a description of the source from which it is proposed to derive the supply; and no additional source of supply shall subsequently be used for any such waterworks without a similar permit from the Commissioner of Health. When application shall be made for a permit, under either of the above provisions of this section, it shall be the duty of the Commissioner to proceed to examine the application, without delay, and, as soon as possible, he shall make a decision in writing; and, within thirty days after such decision, the corporation, company, or individual making such application may appeal to any court of common pleas of the county, and said court shall, without delay, hear the appeal, and shall make an order approving, setting aside or modifying such decision, or fixing the terms upon which said permit shall be granted. The penalty for failure to file copies of plans, surveys and descriptions of existing waterworks, within the time hereinbefore fixed, and for the construction or extension of waterworks, or the use of an additional source of supply, without a permit from the Commissioner of Health, shall be five hundred dollars, and further penalty of fifty dollars per day for each day that the works are in operation contrary to the provisions of this act, recoverable by the Commonwealth, at the suit of the Commissioner of Health, as debts of like amount are recoverable by law.—Sec. 3, Act Apr. 22, 1905, P. L. 260.

State Hospitals to procure permits from the Department of Health for the construction of water systems.

Section 1. Be it enacted, &c., That when the board of trustees of any State hospital for injured persons, or directors of any incorporated district having a hospital for the care and treatment of the insane, supported in whole or in part by this Commonwealth, shall desire more land for the erection of necessary build-
Hospitals.
Acquirement of lands and waters.

Authority given
trustees and di-
rectors.

Eminent domain.

ings or other necessary hospital uses and purposes, or shall desire a supply of pure water for hospital purposes, and shall be unable to procure the same by purchase from the owner or owners thereof, it shall and may be lawful for said board of trustees or directors of such district, by themselves, their engineers, surveyors, agents, artisans, and workmen, to survey, ascertain, locate, fix, mark, determine, enter upon, occupy, and use such lands, waters, streams, property, and materials as said board of trustees or directors may deem necessary for the purpose of supplying said hospitals with an adequate supply of pure water, and for other hospital purposes.

Waterworks.

Proviso.

Permit from De-
partment of
Health.

And said board shall have power to provide, erect, and maintain all works and machinery necessary or proper for raising and introducing into said hospitals and grounds a sufficient supply of pure water; and for that purpose may provide, erect, and maintain all proper buildings, systems, reservoirs, pipes, and conduits for the reception and conveyance of water: Provided, That no waters shall be condemned and appropriated under the provisions of this act, nor any water system, reservoir, pipe, or conduit be constructed or maintained, until a permit for the condemnation and appropriation of such waters, or the construction or maintenance of such waters, or the construction or maintenance of such water system, reservoir, pipe, or conduit, shall have been procured from the Department of Health and the Water Supply Commission of Pennsylvania: And provided further, That nothing in this act contained shall be construed to relieve any hospital from the operation of the provisions of the act of April twenty-two, nineteen hundred and five.—Sec. 1 Act of June 6, 1907, P. L. p. 417.

6. Sewage—Discharge of Into Waters of State Forbidden—
Except in Cases of Public Sewer Systems Discharging
Sewage at Date of Passage of Act, and Waters From Coal
Mines or Tanneries—Definition of Sewage.

No person, corporation or municipality shall place, or permit to be placed, or discharge, or permit to flow into any of the waters of the State, any sewage, except as hereinafter provided. But this act shall not apply to waters pumped or flowing from coal mines or tanneries, nor prevent the discharge of sewage from any public sewer system, owned and maintained by a municipality, provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act. But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act.

For the purpose of this act, sewage shall be defined as any substance that contains any of the waste products, or excrementitious or other discharges from the bodies of human beings or animals.—Sec. 4, Act Apr. 22, 1905, P. L. 261.

Note: Under the provisions of this act the Governor, Attorney General and Commissioner of Health may become parties plaintiff in a bill in equity to restrain the construction or use of a sewer in violation of such provisions.—Construction of Sewers by Municipalities. Op. Atty. Gen., 10 Dau. Co. Rep., 8 (1906).

7. Permits for Discharge of Sewage.

Upon application duly made to the Commissioner of Health, by the public authorities having by law the charge of the sewer system of any municipality, the Governor of the State, the Attorney General and the Commissioner of Health, shall consider the case of such a sewer system, otherwise prohibited by this act from discharging sewage into any of the waters of the State, and, whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby, the Commissioner of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State, and may stipulate in the permit the conditions on which such discharge may be permitted. Such permit, before being operative, shall be recorded in the office

of the recorder of deeds for the county wherein the outlet of the said sewer system is located. Every such permit for the discharge of sewage from a sewer system shall be revocable, or subject to modification and change, by the Commissioner of Health, on due notice, after an investigation and hearing, and an opportunity for all interested therein to be heard thereon, being served on the public authorities of the municipality owning, maintaining or using the sewage system. The length of time, after receipt of the notice, within which the discharge of sewage shall be discontinued may be stated in the permit, but in no case shall it be less than one year, or exceed two years, and if the length of time is not specified in the permit it shall be one year. On the expiration of the period of time prescribed, after a service of a notice of revocation, modification or change, from the Commissioner of Health, the right to discharge sewage into any of the waters of the State shall cease and terminate; and the prohibition of this act against such discharge shall be in full force, as though no permit had been granted, but a new permit may thereafter again be granted, as hereinbefore provided.—Sec. 5, Act Apr. 22, 1905, P. L. 261.

8. Municipalities to Make Reports of Sewer Systems Discharging Sewage Into Waters of the State at Date of Passage of Act.

It shall be the duty of the public authorities, having by law charge of the sewer system of every municipality in the State, from which sewage was being discharged into any of the waters of the State at the time of the passage of this act, to file with the Commissioner of Health, within four months after the passage of this act, a report of such sewer system, which shall comprise such facts and information as the Commissioner of Health may require. No sewer system shall be exempt from the provisions of this act, against the discharge of sewage into the waters of the State, for which a satisfactory report shall not be filed with the Commissioner of Health, in accordance with this section.—Sec. 6, Act Apr. 22, 1905, P. L. 262.

Boroughs that do not have a municipality sewer system, but have authorized the construction of private sewers discharging

into natural water courses, should file a report under the provisions of this section.—Sewer Systems of Boroughs. Op. Atty. Gen. 10 Dau. Co. Rep., 44 (1906); S. C., 16 D. R. 510.

9. Penalty for Unlawful Discharge of Sewage From Public Sewer Systems.

The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without a duly issued permit, in any case in which a permit is required by this act, shall be five hundred dollars, and a further penalty of fifty dollars per day for each day the offense is maintained, recoverable by the Commonwealth, at the suit of the Commissioner of Health, as debts of like amount are recoverable by law. The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without filing a report, in any case in which a report is required to be filed, shall be fifty dollars, recoverable by a like suit.—Sec. 7, Act Apr. 22, 1905, P. L. 262.

10. Discharge of Sewage Into Waters of State by Individuals and Private Corporations May Continue Until Forbidden by the Commissioner of Health.

All individuals, private corporations and companies that, at the time of the passage of this act, are discharging sewage into any of the waters of the State, may continue to discharge such sewage, unless, in the opinion of the Commissioner of Health, the discharge of such sewage may become injurious to the public health, if at any time the Commissioner of Health considers that the discharge of such sewage into any of the waters of the State may become injurious to the public health, he may order the discharge of such sewage discontinued.—Sec. 8, Act Apr. 22, 1905, P. L. 263.

11. But the Same Shall Be Discontinued When So Ordered by the Commissioner of Health.

Every individual, private corporation or company shall discontinue the discharge of sewage into any of the waters of the State, within ten days after having been so ordered by the Commissioner of Health.—Sec. 9, Act Apr. 22, 1905, P. L. 263.

12. Penalty for Unlawful Discharge of Sewage From Private Sewers.

Any individual, private corporation or company that shall discharge sewage, or permit the same to flow, into the waters of the State, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of twenty-five dollars for each offense, and a further fine of five dollars per day for each day the offense is maintained, or by imprisonment not exceeding one month, or both, at the discretion of the court.—Sec. 10, Act Apr. 22, 1905, P. L. 263.

13. Appeals From Orders of the Commissioner of Health, or of the Governor, Attorney General and Commissioner of Health, Made Under This Act.

Any order or decision, under this act, of the Commissioner of Health, or that of the Governor, Attorney General and Commissioner of Health, shall be subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system, otherwise prohibited by this act, is situated; and said court shall have power to hear said appeal, and may affirm or set aside said order or decision, or modify the same, or otherwise fix the terms upon which permission shall be granted. But the order or decision appealed from shall not be superseded by the appeal, but shall stand until the order of the court, as above.—Sec. 11, Act Apr. 22, 1905, P. L. 263.

14. The Commissioner of Health to Examine Water supply of Cities of the First Class.

The [State Board of Health] *Commissioner of Health shall be and hereby is authorized to examine the water supplied to cities of the first class of this Commonwealth for domestic uses, for the purpose of ascertaining whether said water is free from contamination by human excrement.—Sec. 1, Act May 2, 1899, P. L. 176.

*All powers of the late State Board of Health, are conferred upon the Commissioner of Health, by Section 14 of the Act of April 27, 1905, P. L. 316, *supra*.

15. If Water Supply is Found to Be Contaminated, Commissioner of Health to Ascertain the Cause, and Abate the Same.

Should it be ascertained by said examination that the water supplied, as aforesaid, is so contaminated, the said [board] Commissioner is hereby authorized and directed to make such investigation as will ascertain the cause thereof, and whether the water is so polluted, and to this end may, by [its] his duly accredited officers or agents, enter upon any property where the cause of said pollution is believed to exist, provided a warrant for said purpose shall first have been obtained from a magistrate or justice of the peace of the county wherein said property is situated, upon an affidavit of an officer or agent of the said [board] Commissioner that there is information or belief of said pollution. And if it shall be found that said pollution is due to the fault or neglect of any person or corporation owning or occupying said property, to thereupon adopt such measures for the removal or abatement of said causes, so that the water supplied, as aforesaid, may be made free, from contamination by said excrement.—Sec. 2, Act May 2, 1899, P. L. 177.

16. Method of Abatement When the Contamination Amounts to a Common Nuisance.

In order to carry out the provisions of the foregoing section, the said [board] Commissioner is hereby authorized and directed to notify, or cause to be notified, every person or corporation upon whose property, or in connection with whose business said contamination exists or has its origin, which is found by said [board] Commissioner to pollute the water supplied, as aforesaid, and is thereby a nuisance, to remove or abate the same within a reasonable time, to be stated in said notice. Should the party notified fail to comply with the requirements of said notice, the said nuisance shall be abated by the local board of health, if there be one, under the direction

of the said [State board] Commissioner of Health, immediately upon the expiration of the time fixed by said notice. If, however, the local board should neglect or refuse to act with due diligence, or if no such local board should exist, then the said [State board] Commissioner of Health shall cause said nuisance to be abated. All expenses incidental to the abatement of said nuisance shall be charged against the owner or owners of the premises whereon such nuisance exists, and a lien may be filed for the work done and materials furnished against said premises. In case of any legal proceedings under this act, the cost shall be ascertained and the liability therefor determined by and made part of the judgment or decree of the court in each case.—Sec. 3, Act May 2, 1899, P. L. 177.

17. When Contamination Does Not Amount to a Common Nuisance, a Petition to Be Presented to Court of Common Pleas Praying for Its Abatement.

If, however, the cause of contamination by human excrement is incidental to the conduct of some legitimate business, or of a municipality, and does not amount to a common nuisance, the said [board] Commissioner shall cause a petition to be presented to the court of common pleas of the county in which the said business is carried on, or the municipality is situated, asking for the abatement of the matter complained of, which petition shall set forth fully the causes of such action; and thereupon a citation shall issue to the party or parties complained of, directing them to show cause why the matter complained of should not be abated. The party or parties thus complained of shall file an answer within ten days after the service of the said citation. The matter shall then be proceeded with, and heard before the said court of common pleas, in the same manner as injunction proceedings are now conducted, and after a full hearing of the parties and witnesses, the court shall make such order as the circumstances demand.—Sec. 4, Act May 2, 1899, P. L. 177.

18. This Act Not to Repeal Existing Laws Relative to Local Boards of Health or Provisions to Prevent the Pollution of Waters.

This act shall not be construed to impair or repeal any act or acts applicable to any local board of health, nor shall it impair or repeal any existing provision of law in regard to the pollution of springs, streams, ponds, water courses, or rivers, or the power and jurisdiction of any court relating to the prevention or removal of such pollution.—Sec. 6, Act May 2, 1899, P. L. 178.

19. Drainage From Coal and Other Ores, and From Tanneries, to Be Retained in Tanks.

All persons engaged in any of the manufacturing interests of this State, accustomed to the washing of iron and other ores, and of coal preparatory to its use for coking, or in the tanning of hides by a process in which vitrol is used, shall prepare a tank or other suitable receptacle into which the culm or coal dirt, the offal, refuse and the tan bark and the liquor, or the water therefrom, may be collected, so that the sediment therefrom, so far as is practicable, may be thereby prevented from passing into or upon any of the rivers, lakes, ponds or streams of this Commonwealth, under a penalty of fifty dollars for each offense, in addition to liability for all damages he or they may have done to any individual owners or lessees on such waters.—Sec. 1, Act May 8, 1876, P. L. 146.

20. Boroughs to Obtain Permits for the Construction of Sewer Systems.

Section 1. Be it enacted, &c., That the burgess and town council of any borough within this Commonwealth, now or hereafter to be incorporated, shall have full power and authority, by ordinance or ordinances duly passed, to adopt and construct such system or systems of public sewerage as in the

judgment of the said council may be necessary, from time to time, for the disposal of the waste water and other sewage matter from the said borough; and for this purpose the said burgess and council shall have full power to fix the place or places in and along the streets, lanes, alleys, courts, or highways in said borough, where sewer mains or drains, and branches thereof, shall be laid down, and to prescribe the manner in which they shall be constructed: *Provided, That no contract for the construction of any system or systems of public sewers shall be entered into, under the provisions of this act, until a permit for the construction of the same shall have been obtained from the Commissioner of Health.*—Sec. 1, Act of April 23, 1907, P. L. p. 97.

VI.

BUREAU OF VITAL STATISTICS.

1. The Commissioner of Health to Have Charge of the State System of Registration of Births and Deaths.

It shall be the duty of the [State Board of Health and Vital Statistics] *Commissioner of Health to have charge of the State system of registration of births and deaths; to prepare the necessary methods, forms and blanks for obtaining and preserving such records, and to insure the faithful registration of the same, in the townships, boroughs, cities, counties, and in the Central Bureau of Vital Statistics at the capital of the State. The said [board] Commissioner shall be charged with the uniform and thorough enforcement of the law throughout

*The act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, etc., approved May 1, 1905, P. L. 330, conferring the duties therein enumerated upon the State Board of Health and Vital Statistics, was passed after the Act of April 27, 1905, creating the Department of Health, which act abolished the said Board. It is evident, however, that the later act did not re-establish the Board, but that the powers and duties granted and exacted by it are conferred on and required of the Commissioner of Health, its successor.

The said Act of May 1, 1905, is constitutional, being complete in itself and not an amendment to the Act of June 3, 1885, P. L. 56, and hence not in conflict with Art. III, Sec. 6 of the Constitution of Pennsylvania. *Com. v. Grove*, 16 D. R., 440 (1906).

the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary for this purpose.—Sec. 1, Act May 1, 1905, P. L. 330.

2. Appointment of State Registrar of Vital Statistics—Term, Salary.

The [secretary of the State Board of Health and Vital Statistics] Commissioner of Health shall have general supervision over the Central Bureau of Vital Statistics, which is hereby authorized to be established by said [board] Commissioner, and which shall be under the immediate direction of the State Registrar of Vital Statistics, whom the [State Board of Health] Commissioner of Health shall appoint within thirty days after taking effect of this law, and who shall be a medical practitioner of not less than ten years' practice in his profession, and a competent vital statistician. The term of appointment of State Registrar of Vital Statistics shall be four years, beginning with the first day in January of the year in which this act shall take effect, and any vacancy occurring in the office of State Registrar of Vital Statistics shall be filled by appointment of the [State Board of Health] Commissioner of Health. The State Registrar of Vital Statistics shall receive an annual salary at the rate of twenty-five hundred dollars, from the date of his appointment. The [State Board of Health] Commissioner of Health shall provide for such clerical and other assistance as may be necessary for the purposes of this act, and may fix the compensation of persons thus employed, within the amount appropriated therefor by the Legislature. Suitable apartments shall be provided by the custodian of the capitol for the State Bureau of Vital Statistics, in the State capitol at Harrisburg, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act.—Sec. 2, Act May 1, 1905, P. L. 331.

3. Registration Districts.

For the purpose of this act, the State shall be divided into registration districts as follows: Each city, borough and township shall constitute a primary registration district.—Sec. 3, Act May 1, 1905, P. L. 331.

4. Local Registrars—Appointment—Term.

Within ninety days after the taking effect of this act, or as soon thereafter as possible, the [State Board of Health and Vital Statistics] Commissioner of Health shall appoint a local registrar of vital statistics for each registration district in the State, excepting such boroughs and cities as are otherwise provided for. The term of office of local registrars, appointed by said [board] Commissioner shall be for four years, beginning with the first day of January of the year in which this act shall take effect, and their successors shall be appointed at least ten days before the expiration of their terms of office.—Sec. 4, Act May 1, 1905, P. L. 331.

5. Removal of Local Registrars.

Any local registrar, appointed by said [board] Commissioner, who fails or neglects to efficiently discharge the duties of his office as laid down in this act, or who fails to make prompt and complete returns of births and deaths, as required hereby, shall be forthwith removed from his office by the [State Board of Health] Commissioner of Health, and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this act, for failure or neglect to perform his duty.—Sec. 4, Act May 1, 1905, P. L. 331.

6. Appointment of Deputy Local Registrars.

Each local registrar, appointed by said [board] Commissioner, shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness or disability, and who shall ac-

cept such an appointment, in writing, and who shall be subject to all rules and regulations governing the actions of local registrars: Provided, That in cities or boroughs where health officers, or secretaries of local boards of health, or other officials, at the date of this act, are officiating as registrars of births and deaths under local ordinances, such officers shall be continued as registrars in and for such cities or boroughs, but shall be subject to the rules and regulations of the State Registrar, and to all of the provisions of this act.—Sec. 4, Act May 1, 1905, P. L. 332.

7. Appointment of Sub-Registrars—Removal.

And, when it may appear necessary for the convenience of the people in any township, the local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates, and to issue burial or removal permits, in and for such portions of the township as may be designated; and each sub-registrar shall note over his signature, the date on which each certificate was filed, and forwarded all certificates to the registrar of the township within ten days, and, in all cases, before the third day of the following month: Provided, That all sub-registrars shall be subject to the supervision and control of the State Registrar, and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this act or the rules and regulations of the State Registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar.—Sec. 4, Act May 1, 1905, P. L. 332.

8. Burial Permits—Transit Permits.

The body of any person whose death occurs in the State shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition shall have been properly issued by the local registrar

of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided: Provided, That when a dead body is transported by common carrier into a registration district in Pennsylvania for burial, then the transit and removal permit, issued in accordance with the law and health regulations of the place where the death occurred, when said death occurs outside of the State of Pennsylvania, shall be accepted by the local registrar of the district, into which the body has been transported for burial or other disposition, as a basis upon which he shall issue a local burial permit, in the same way as if the death occurred in his district, but shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; but a burial permit shall not be required from the local registrar of the district in which interment is to be made, when a body is removed from one district in Pennsylvania to another district in the State, for the purpose of burial or other disposition, either by common carrier, hearse or other conveyance; and no local registrar shall, as such, require from undertakers or persons acting as undertakers any fee for the privilege of burying dead bodies.—Sec. 1, Act June 6, 1907, P. L. 422, amending Sec. 5, Act May 1, 1905, P. L. 333.

9. Registration of Still-born Children—Certificates of Births and Deaths Thereof to Be Filed.

Still-born children or those dead at birth shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "still-birth." The medical certificate of the cause of death shall be signed by the attending physician, if any; and shall state the cause of death as "still-born," with the cause of the still-birth, if known, whether a premature birth; and, if born prematurely, the

period of uterogestation, in months if known; and a burial or removal permit in usual form shall be required. Midwives shall not sign certificates of death for still-born children; but such cases, and the still-births occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in section eight of this act.—Sec. 6, Act May 1, 1905, P. L. 333.

10. Certificates of Death—Contents.

The certificate of death shall contain the following items:

(1) Place of death; including state, county, township, borough or city. If in a borough or city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race: as white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition: as single, married, widowed, or divorced.

(6) Date of birth, including the year, month and day.

(7) Age, in years, months and days.

(8) Place of birth, State or foreign country.

(9) Name of father.

(10) Birthplace of father, State or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother, State or foreign country.

(13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men.

(14) Signature and address of informant.

(15) Date of death, including the year, month and day.

(16) Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.

(17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence; length of time, and place of death, and place where the disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar, with date when certificate was filed, and registered number.—Sec. 7, Act May 1, 1905, P. L. 333.

11. Certificates of Death—How Authenticated.

The personal and statistical particulars (items one and thirteen) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker, or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of the disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any

certificate containing only such terms as defined by the State Registrar shall be returned to the physician for correction and definition. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal. And in case of death in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (item nineteen), and shall state, where, in his opinion, the disease was contracted.—Sec. 7, Act May 1, 1905, P. L. 334.

12. Certificates of Death—In Cases of Death Without Medical Attendance.

In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification, prior to issuing the permit: Provided, That when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts.—Sec. 8, Act May 1, 1905, P. L. 335.

13. Certificates of Death—Suspicious Cases of Death Without Medical Attendance to Be Referred to Coroner, Who Shall Make Certificate.

Provided further, That if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. And in the city and county of Philadelphia, it shall be the duty of the coroner to hold an inquest on the body of any deceased person who shall have died a violent death, or whose death shall be sudden, if said sudden death shall be after an illness of less

than twenty-four hours and no physician shall have been in attendance within said time, or if suspicious circumstances shall render the same necessary, which said suspicion shall first be sworn to by one or more citizens of said city. And any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease, or the manner of death; and, if from external causes or violence, whether (probably) accidental, suicidal or homicidal, as determined by the inquest; and shall, in either case, furnish such information as may be required by the State Registrar to properly classify the death.—Sec. 8, Act May 1, 1905, P. L. 335.

14. Certificates of Death—Burial Permit—Duty of Undertakers.

The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurred, and securing a burial or removal permit, prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death, and other particulars necessary to complete the record, as specified in section eight. He shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar, who will issue a permit for burial, removal, or other disposition of the body. The undertaker shall deliver the burial permit to the sexton, or other person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the transit permit, containing the registrar's removal permit, to the box containing

the corpse, when the same is to be shipped by any transportation company, which permit shall accompany the corpse to its destination, and, if the same be within the State of Pennsylvania, it shall be delivered to the sexton or other person in charge of the place of burial: Provided, That in cities of the first class, the method of collecting the information required in all certificates of death may be regulated by local health authorities.—Sec. 2, Act June 6, 1907, P. L. 424, amending Sec. 9, Act May 1, 1905, P. L. 335.

15. Burial Permits Where Interment is to Be Made Within the State.

If the interment, or other disposition of the body, is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased; stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.—Sec. 10, Act May 1, 1905, P. L. 336.

16. Sextons Not to Inter Bodies Unless Accompanied by Burial, Removal or Transit Permits—Return of Permits.

No sexton, or person in charge of any premises in which interments are made, shall enter, or permit the interment or other disposition of any body, unless it is accompanied by a burial, removal or transit permit, as herein provided. And each sexton, or person in charge of any burial-ground, shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district, within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the

premises under his charge, stating the name of the deceased person, place of death, date of burial and name and address of the undertaker; which record shall at all times be open to public inspection.—Sec. 11, Act May 1, 1905, P. L. 336.

17. All Births to Be Registered.

All births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.—Sec. 12, Act May 1, 1905, P. L. 336.

18. Certificates of Birth—By Whom to Be Filed.

It shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all of the particulars required by this act, with the local registrar of the district in which the birth occurred, within ten days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, to notify the local registrar, within ten days after the birth, of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.—Sec. 13, Act May 1, 1905, P. L. 336.

19. Certificates of Birth—Contents.

The certificate of birth shall contain the following items:

(1) Place of birth, including State, county, township or town, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not been named at the date of filing the

certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother, in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.—Sec. 14, Act May 1, 1905, P. L. 337.

20. Certificates of Birth—How Authenticated.

(19) Certificate of attending physician or midwife as to attendance at birth; including statement of year, month, day, and hour of birth, and whether the child was alive or dead at birth. This certificate shall be signed by the attending physician or midwife, with date of signatures and address; if there is no physician or midwife in attendance, then the father or mother of the child, householder or owner of the premises, or manager or superintendent of public or private institution, or other competent person, whose duty it shall become to notify the local registrar of such birth, as required by section thirteen of this act.

(20) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

All certificates, either of birth or death, shall be written legibly, in unfading ink; and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission.—Sec. 14, Act May 1, 1905, P. L. 337.

21. Certificates of Birth When Child is Not Named.

When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out, deliver to the parent of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.—Sec. 3, Act June 6, 1907, P. L. 425, amending Sec. 15, Act May 1, 1905, P. L. 338.

22. Registration of Physicians, Midwives and Undertakers.

Every physician, midwife and undertaker shall, without delay, register his or her name, address and occupation, with the local registrar of the district in which he or she resides or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: Provided, That no fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the State Registrar.—Sec. 16, Act May 1, 1905, P. L. 338.

23. Officers of Hospitals, Almshouses, etc., to Make Record of Statistical Particulars Relative to Inmates, etc.

All superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of disease,

confinement, or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates of their institutions, at the date of approval of this act, that are required in the form of the certificate provided for by this act, as directed by the State Registrar; and thereafter such record shall be by them made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify, for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so; and when they cannot be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts.—Sec. 17, Act May 1, 1905, P. L. 338.

24. The State Registrar of Vital Statistics to Prepare Forms and Examine Certificates Received From Local Registrars.

The State Registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory.—Sec. 18, Act May 1, 1905, P. L. 339.

25. Physicians, Midwives, Undertakers, etc., Required to Give Information to State Registrar.

And all physicians, midwives, informants, or undertakers, connected with any case, and all other persons having know-

ledge of the facts, are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the State Registrar in person, by mail, or through the local registrar.—Sec. 18, Act May 1, 1905, P. L. 339.

26. The State Registrar of Vital Statistics to Bind and Preserve Certificates, and Inform Local Registrars What Diseases Are Infectious, Contagious, etc.

He [The State Registrar] shall, further, arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births and deaths registered; the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the [State Board of Health] Commissioner of Health in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.—Sec. 18, Act May 1, 1905, P. L. 339.

27. Duties of Local Registrars.

It shall be the duty of the local registrar to supply blank forms of certificates to such persons as required them. And he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the State Registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed, and complete, he shall then issue a burial or removal permit to the undertaker: Provided, That in case the death occurs from some disease that is held by the

State Board of Health to be infectious, contagious, or communicable, and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the State Board of Health. If a certificate of birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items, if they can be obtained. He shall then number consecutively the certificates of birth and death, in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar. And he shall, on the fifth day of each month, transmit to the State Registrar, all original certificates of birth registered by him during the preceding month. And he shall, on the tenth day of each month, transmit to the State Registrar, all original certificates of births registered by him during the preceding month. And if no deaths or births occur in any month, he shall, on the fifth and the tenth day of the following month, report that fact to the State Registrar, on a card provided for this purpose: Provided, That in cities of the first and second class, original certificates may be retained by the local registrar, and exact duplicates of the original certificates may be forwarded by the local registrar to the State Registrar.—Sec. 4, Act June 6, 1907, P. L. 426, amending Sec. 19, Act May 1, 1905, P. L. 339.

28. Compensation of Local Registrars—Fees.

Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied, and duly returned by him to the State Registrar as required by this act: Provided, That in cities of

the first and second class, in which the city clerk, health officer, or other official acting as local registrar, receives a fixed salary, in lieu of fees, he shall be entitled to five cents for each birth and each death certificate properly and completely made out, registered with him, and correctly copied, and duly returned by him to the State Registrar as required by this act. And in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report, to that effect, promptly made in accordance with this act. All amounts payable to registrars under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the State Registrar. And the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars, and the amounts due each at the rates fixed herein.—Sec. 5, Act June 6, 1907, P. L. 428, amending Sec. 20, Act of May 1, 1905, P. L. 340.

29. State Registrar to Furnish Certified Copies of Records— Searches of Records—Fees.

The State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the State Registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the State Treasurer: Provided That in cities of the first class, certified copies of any birth or death may be furnished by the local health authorities.

The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid into the treasury of said cities.—Sec. 21, Act May 1, 1905, P. L. 340.

30 PENALTIES

1. For Neglect or Refusal of Physicians to Make Out Death Certificate.

That if any physician, who was in medical attendance upon any deceased person at the time of death, shall neglect or refuse to make out and deliver to the undertaker, sexton or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars. And if any physician shall knowingly make a false certification of the cause of death, in any case, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars.—Sec. 22, Act May 1, 1905, P. L. 341.

2. For Neglect or Refusal to File Birth Certificate.

And any physician or midwife, in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section thirteen of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars.

3. For Illegal Interment or Removal.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of, the body of any deceased person, without having received a burial or re-

moval permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars.

4. For Official Neglect of Duty.

And any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

35. For Illegal Alteration of Certificate.

And any person who shall wilfully alter any certificate of birth or death, or the copy of any certificate of birth or death, on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.—Sec. 22, Act May 11, 1905, P. L. 342.

36. For Violation of Any Provisions of This Act.

And any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purposes of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars, nor more than one hundred dollars.—Sec. 22, Act May 1, 1905, P. L. 342.

37. Unlawful Transportation of Body.

And any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars: Provided, That in case the death occurred outside of the State and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial, or removal or transit permit, may be held to authorize the transportation or carriage of the body into or through the State.—Sec. 22, Act of May 1, 1905, P. L. 342.

31. Local Registrars to Report Violations of Law—State Registrar to Investigate and Report to Prosecuting Attorneys.

Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an immediate report to the State Registrar of any violations of this law, coming to their notice by observation or upon complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with the supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or official of the proper county or municipality, with a statement of the facts and circum-

stances; and when any such case is reported to them by the State Registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith initiate promptly and follow up the necessary court proceedings against the parties responsible for the alleged violations of law. And upon request of the State Registrar, the Attorney General shall likewise assist in the enforcement of the provisions of this act.—Sec. 23, Act May 1, 1905, P. L. 342.

32. Local Systems of Registration of Births and Deaths to Be Discontinued.

All laws and parts of laws inconsistent with the provisions of this act are hereby repealed; and no system for the registration of births and deaths shall be continued or maintained in any of the several municipalities of this Commonwealth other than the one provided for and established by the act to which this is an amendment.—Sec. 6, Act June 6, 1907, P. L. 422, amending Sec. 25, Act May 1, 1905, P. L. 342.

Note.—The Act of May 1, 1905, P. L. 342, did not repeal the Act of June 6, 1893, P. L. 340, providing for the registration of births and deaths in counties, and the foregoing amendment to the act relates only to such registration in municipalities. The said Act of June 6, 1893, is, however, unconstitutional, the title thereof not giving notice to tax payers that the expense of registration is placed upon the counties. *Com. v. Braymer*, 16 D. R., 747 (1907).

33. Local Registrars May Administer Oaths or Affirmations to Undertakers.

Local registrars of vital statistics, and their deputies, be and are hereby authorized to administer, when the same may be required, the oath or affirmation of undertakers, relating to the method of preparation of bodies intended for shipment by common carrier, or those dead of certain communicable diseases, the same to be administered without the payment of any fee.—Act May 7, 1907, P. L. 173.

VII.

MISCELLANEOUS PROVISIONS RELATING TO THE
DEPARTMENT OF HEALTH.1. Promulgation of Rules and Regulations of the Department
of Health.

All rules and regulations of the Department of Health shall be promulgated by sending printed copies to all local boards of health, school-boards, and clerks of councils of cities and boroughs, and by printing, once a week for two weeks, in at least one daily paper of Philadelphia and Pittsburg, and the rules and regulations shall be printed in circular form and given to any one who demands them.—Sec. 15, Act April 27, 1905, P. L. 316.

2. Penalty for Violation of Orders of Department of Health
or Interference With Its Officers.

Every person who violates any order or regulation of the Department of Health, or who resists or interferes with any officer or agent thereof in the performance of his duties in accordance with the regulations and orders of the Department of Health, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment not exceeding one month, or both, at the discretion of the court.—Sec. 16, Act Apr. 27, 1905, P. L. 316.

3. Payment of Expenses of Department of Health.

All necessary expenses under the provisions of this act shall, after approval in writing by the Governor and the Commissioner of Health, be paid by the State Treasurer, upon the warrant of the Auditor General, in the manner now provided by law.—Sec. 17, Act Apr. 27, 1905, P. L. 316.

4. Emergency Fund for the Suppression of Epidemics, etc.

The sum of fifty thousand dollars be and the same is hereby specifically appropriated and set apart, out of any money in the Treasury not otherwise appropriated, for the purpose of creating an emergency fund, to be used, as occasion may require, by the [State Board of Health] Department of Health in the suppression of epidemics, prevention of disease, and protection of human life in times of epidemic disease or of disaster threatening disease, beyond the ability of the local authorities to check or relieve. The money herein appropriated shall be held in the Treasury of the Commonwealth, and whenever the [Secretary of the State Board of Health] Commissioner of Health shall find that the public health is threatened, either by epidemic or as a result of great disaster, to such an extent that the local authorities are unable to meet the emergency, he shall prepare a statement to that effect, rehearsing all the facts in the case, and the reason for considering that State aid is needed, and to what amount, and transmit the same to the Governor. If the statement and the reasons therein set forth shall meet with the approval of the Governor, he shall certify and file the statement and certificate of approval in the office of the Auditor General, who shall then draw his warrant upon the State Treasurer for the amount approved by the Governor, and place the same in the hands of the [treasurer of the State Board of Health] Commissioner of Health, to be used for the purpose set forth in the statement approved as aforesaid, and for no other purpose. If, after the said epidemic shall have been suppressed, or the sickness or danger averted, there shall still be a balance of the amount drawn left in the hands of the [treasurer of the State Board of Health] Commissioner of Health, he shall, without delay, return the same to the State Treasurer, and it shall become part of the said emergency fund. He shall also file with the Auditor General a specifically itemized statement, made under oath, of the expenditures of said moneys, as soon as possible.—Sec. 1, Act Apr. 27, 1905, P. L. 317.

5. Certified Copies of Records of the Department of Health to Be Received in Evidence.

Copies of all records, documents, and papers in the possession of the Department of Health, or of any bureau, division, or officer thereof, when duly certified by the Commissioner of Health, under the seal of the Department of Health, shall be received in evidence in the several courts of this Commonwealth in all cases where the original records, documents, and papers would be admitted in evidence, with the same force and effect as the originals.—Act of May 29, 1907, P. L. 305.

6. Establishment of Sanatoria for the Treatment of Indigent Persons Suffering From Tuberculosis.

That one or more sanatoria or colonies be established in the State, for the reception and treatment of indigent persons affected with incipient tuberculosis, and those so far advanced with the same disease that may be made comfortable, and removed from their families and the people at large to prevent the spread of the contagion.

For these purposes the Department of Health, with the approval of the Governor, shall be authorized to acquire property, erect buildings, equip the same, and do all things necessary to accomplish such work, for the best interests of the people of this Commonwealth, in curing and preventing tuberculosis.—Sec. 1, Act of May 14, 1907, P. L. 197.

7. Tracts on State Forestry Reserves May Be Used—Appropriation.

Should the Department of Health and the Governor select one or two tracts of land, of not over five hundred acres each, within the boundaries of the State forestry reservation that said land be set aside for such purpose.

For the purposes specified in this act, the sum of six hundred thousand dollars, or so much thereof as may be necessary, is

hereby specifically appropriated, for the two fiscal years beginning June one, one thousand nine hundred and seven.—Sec. 2, Act of May 14, 1907, P. L. 197.

8. Sanatorium at Mont Alto May Be Used.

In case the Department of Health shall, with the approval of the Governor, in the establishment of sanatoria, or colonies for the reception and treatment of indigent persons affected with incipient tuberculosis, find it desirable to take over, control and manage the sanatorium located on the State Forestry Reservation near Mont Alto, in Franklin county, established under the provisions of the act approved May fifteenth, Anno Domini one thousand nine hundred and three, the Commissioner of Forestry is hereby authorized and directed to transfer said sanatorium, and the management and control of the same, to the Department of Health, which is hereby authorized to receive, and henceforth manage and control, the said sanatorium.—Act of June 1, 1907, P. L. 381.

PART II.

Laws Relating to Boards of Health in Cities,
Boroughs and Townships of the 1st Class.





LAWS RELATING TO BOARDS OF HEALTH IN CITIES, BOROUGHES AND TOWNSHIPS.

I.

BOARDS OF HEALTH IN CITIES OF THE FIRST AND SECOND CLASSES.

The laws relating to boards of health in cities of these classes are so numerous and voluminous that the limits of this publication do not permit of the printing of the same herein.

II.

BOARDS OF HEALTH IN CITIES OF THE THIRD CLASS.

1. To Consist of Five Members—How Appointed.

The councils of any city of the third class may, by ordinance, create a board of health, as herein provided, with the powers and duties herein enumerated.—Art. XI, Sec. 1, Act May 23, 1889, P. L. 306.*

The said board shall consist of five members, who shall serve without compensation, and none of whom shall be members of councils. At least two of their number shall be reputable physicians of not less than two years' experience in the practice of their profession. The board shall be appointed by districts to be fixed by councils, representing as equally as may be all portions of the city, and shall serve for the term of five years from the first Monday of April succeeding their appointment. The mayor shall nominate, and by and with the consent of the select council, appoint the members of said board, and shall in like manner remove any or all of them for official miscon-

*The language of this section is permissive and not mandatory, and a city may apparently create a board of health under the provisions of the act or not, at its option.

duct or neglect or duty, and fill all vacancies for the unexpired term. At the first appointment the mayor shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years, and thereafter one member of said board shall be appointed annually to serve for the term of five years.—Art. XI, Sec. 2, Act May 23, 1889, P. L. 306.

2. Organization of Board—Secretary—Health Officer—Fees— Power to Administer Oaths.

The members of the board shall severally take and suberibe the oath herein prescribed for city officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, not of their body, who shall keep the minutes of their proceedings, and perform other such duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the city. The secretary and health officer shall receive such salary as may be fixed by the board, and shall hold their offices during the pleasure of the board. They shall severally give bond to the city in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe the oath required of the members of the board. All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall be paid over into the city treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.—Art. XI, Sec. 3, Act May 23, 1889, P. L. 306.

Before a health officer may sue a city of the third class to recover for services rendered in attending a family afflicted with

smallpox, he must show that the above provision was complied with, and his salary fixed as therein provided.—*Cawley v. Allentown*, 2 Leh., 58 (1906).

3. Powers and Duties of Board.

The said board of health shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination,* to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, waste and soil pipes and cesspools, and to make all such other regulations as they shall deem necessary for the preservation of the public health.

They shall also have power, with the consent of councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease within the city, to establish one or more hospitals, and to make provisions and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the city to report to the secretary of the said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases, in the manner directed by the said board.—Art. XI, Sec. 4, Act May 23, 1889, P. L. 307.

4. The Board and Its Employes May Enter Upon Premises to Abate Nuisances—Costs and Expenses of Abating Same—Liens.

*It seems that this provision does not confer the power to impose compulsory vaccination except in cases of epidemic. *Shippensburg Vaccination Case*, 15 D. R. 955 (1906); 32 Pa. C. C. Rep. 523.

The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants and workmen, under and by order of said board, to enter at any time upon any premises in the city upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisances, issued to the said health officer by order of said board, attested by the secretary, shall be executed by him and his subordinates and workmen, and the costs and expenses thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same, in the manner herein provided; and the amount of costs and expenses thereof shall also be a lien upon the premises which has caused, or from which the nuisance shall be removed, from the time of the commencement of the work, which date shall be fixed by certificate of the health officer, filed with the city clerk, and said lien may be filed and proceeded in as herein provided in the case of municipal liens.—Art. XI, Sec. 5, Act May 23, 1889, P. L. 307, as amended by Sec. 27, Act May 16, 1901, P. L. 244.

5. Board of Health to Make Regulations for Licensing of Plumbers—Board of Examiners—Issue of Licenses—Costs of Examinations—Penalty for Engaging in Plumbing Business Without a License.

It shall, furthermore, be the duty of said board of health to make suitable rules and regulations, providing for the granting of licenses and permits to firms, corporations, master plumbers and journeymen, authorizing them to carry on the business of plumbing or house drainage in said city, and said board of health, in connection herewith, shall appoint a board of examiners, to consist of three competent persons, who shall examine all applicants for license, and, if after proper examination made by such board of examiners, the firm, corporation, master plumber or journeyman plumber making application for a license or permit, in accordance with such rules, shall be

found competent, the same shall be certified to the Board of Health, which shall thereupon issue a license or permit to such firm, corporation, master plumber or journeyman plumber, which shall entitle him or them to carry on said business or work in said city; and a register of all such applicants and the certificates so issued shall be kept by said board of health, which said register shall be open to the inspection of all persons interested therein. An examination of any one member of a firm, or the proper officer of said corporation, or the superintendent or foreman to be in charge of said business for a firm or corporation, shall be deemed sufficient.

Said firm, corporation or master plumber, engaged or engaging in the business or work of plumbing or house drainage, shall pay for each examination the sum of five dollars, and each journeyman shall pay the sum of fifty cents, which sum shall be paid into the city treasury for the use of said cities. The proper officers of said cities are hereby authorized to pay the person acting on said board the sum of four dollars per day for each day or session actually employed, out of the funds in the treasury of said cities not otherwise appropriated. The license granted under the provisions of this act may be revoked by said board of health when any firm, corporation, master plumber or journeyman plumber, superintendent or foreman, shall be deemed incompetent, or for any other reasonable cause; but said firm, corporation, master plumber or journeyman plumber shall be entitled to an additional examination upon the payment of the fee provided in this act.

Any firm, corporation, master plumber or journeyman plumber violating the provisions of this act, or any of them, shall be liable to a fine of not less than ten dollars, nor exceeding fifty dollars, for each and every day he or they shall engage in and conduct said business without having said license or permit. Such fine shall be recoverable before any alderman or police magistrate in said cities by summary proceedings, and shall be sued for in the name of such cities, and when collected shall be paid into the treasury thereof.—Art.

11, Sec. 5, Act May 23, 1889, P. L. 307, as amended by Section 27, Act May 16, 1901, P. L. 244.

6. Board May Create a System of Registration of Births,

Marriages and Deaths.

The said board of health shall have power to create and maintain a complete and accurate system for the registration of all marriages, births and deaths which may occur within the city, and to compel obedience to the same upon the part of all physicians and other medical practitioners, clergymen, magistrates, undertakers, sextons and all other persons from whom information for such purposes may properly be required.—Art. 11, Sec. 6, Act May 23, 1889, P. L. 307.

Section 6 of the Act of June 6, 1907, amending section 25 of the Act of May 1, 1905, P. L. 330, provides that no system for the registration of births and deaths shall be contained or maintained in the municipalities of the Commonwealth and, to that extent, repeals the foregoing section.

7. Rules and Regulations of Board When approved by the Mayor, to Have Force of Ordinances.

The board shall make, and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested which rules and regulations, when approved by the mayor, shall have the force of ordinances of the city, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the city, in the same manner as penalties for the violation of city ordinances, subject to the like limitation as to the amount thereof.—Art. 11, Sec. 6, Act May 23, 1889, P. L. 308.

8. Board to Submit Annual Estimates to Councils and Make Report Thereto—To Make Returns to Commissioner of Health.

It shall be the duty of the board of health to submit annually to councils, before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board

during the ensuing year, and councils shall then proceed to make such appropriations thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to councils of its operations for the preceding year, with the necessary statistics thereof, together with such other information or suggestion relative to the sanitary condition and requirements of the city as it may deem proper, and councils shall publish the same in their official journal. It shall also be the duty of the board to communicate to the [State Board of Health] Commissioner of Health copies of all its reports and publications, together with such sanitary information as may from time to time be required by said [State Board] Commissioner.—Art. 11, Sec. 7, Act May 23, 1889, P. L. 308.

III.

BOARD OF HEALTH IN BOROUGHES.

1. Board to Consist of Five Members—How Appointed.

It shall be the duty of the president of the town council, or burgess, where he is the presiding officer, of every borough in this Commonwealth, within six months after the passage of this act, to nominate, and by and with the consent of the council, to appoint a board of health of such borough, to consist of five persons, not members of the council, one of whom shall be a reputable physician of not less than two years' standing in the practice of his profession. At the first appointment the president of the town council, or burgess, where he is the presiding officer, shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, one to serve for five years, and thereafter one member of the said board shall be appointed annually to serve for five years. The board shall be appointed by districts to be fixed by the town council, representing as equally as may be all portions of the borough. The members shall serve without compensation.—Sec. 1, Act May 11, 1893, P. L. 44.

This act is constitutional. *Smith v. Baker*, 14 Pa. C. C. Rep. 65 (1893); 3 D. R., 626. And repeals special acts creating boards of health in boroughs. *Quinn v. Cumberland Co.*, 162 Pa., 55 (1894).

2. Board to Have the Same Powers and Duties as Boards of Health in Cities of the Third Class.

The duties, responsibilities, powers and prerogatives of said board shall be identical with those assigned to boards of health of cities of the third class, by sections three, four, five, six and seven of Article eleven of the Act of May twenty-third, one thousand eight hundred and eighty-nine, entitled "An act providing for the incorporation and government of cities of the third class," which reads as follows, due allowance being made for the difference in the municipal government of cities and boroughs.—Sec. 2, Act May 11, 1893, P. L. 45. See page 47, *supra*.

3. Organization of Board—Secretary—Health Officer—Fees—Power to Administer Oaths.

The members of the board shall severally take and subscribe the oath prescribed for borough officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, who shall keep the minutes of their proceedings, and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the borough. The secretary and health officer shall receive such salary as may be fixed by the board, and shall hold their offices during the pleasure of the board. They shall severally give bond to the borough in such sums as may be fixed by ordinance for the faithful discharge of their duties, and shall also take and subscribe the oath required by the members of the board. All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall

be paid over into the borough treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceedings or investigations touching the regulations of the board, but shall not be entitled to receive any fee therefor.—Sec. 3, Act May 11, 1903, P. L. 45.

4. Powers and Duties of Board.

The said board of health shall have power, and it shall be their duty to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination, to mark infected houses, or places, to prescribe rules for the construction and maintenance of house drains, waste pipes, soil pipes and cesspools, and to make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of the council, in case of the prevalence of any contagious or infectious disease within the borough to establish one or more hospitals, and to make provision and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. It shall be the duty of all physicians practicing within the borough to report to the secretary of said board of health the names and residences of all persons coming under his professional care afflicted with such contagious or infectious disease, in the manner directed by the said board.—Sec. 4, Act May 11, 1903, P. L. 45.

A borough board of health may not sue or be sued. It is not a corporation. *Com. v. Olyphant Borough*, 2 Lack L. N., 181 (1896).

A board of health has no authority to enter upon the lot of a property-holder for the purpose of digging a cesspool thereon as a receptacle for drainage from the property which collects in pools on the streets and becomes stagnant. There are other adequate remedies to abate a nuisance of this kind. The board may remove a nuisance from the street. *Smith v. Baker*, 14 Pa. C. C., 65 (1893); *S. C.*, 3 D. R. 626.

The board of health or municipality has abundant powers to declare to be a nuisance, and to abate whatever is per se a nuisance at common law, and while such determination may not be final and conclusive, the court should declare it if the uncontradicted evidence establishes a nuisance per se; if not, the case is for the jury.—*Commonwealth v. Yost*, 11 Pa. Sup. Ct, 323 (1899).

The act confers upon the boards of health of boroughs the right to enforce compulsory vaccination only under conditions of infection and contagion which render such enforcement necessary.—*Shippensburg Vaccination Case*, 32 Pa. C. C., 523; 9 Dauph. Co. Rep., 156 (1906).

5. Board and Its Employes May Enter Upon Premises to Abate Nuisances.

The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants and workmen, under and by order of the said board, to enter at any time upon any premises in the borough upon which there is suspected to be a infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisance issued to the said health officer, by order of said board, attested by the secretary, shall be executed by him and his subordinates and workmen, and the cost and expenses thereof shall be recoverable

from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons, causing or maintaining the same, in the same manner as debts of like amount are now by law collected.—Sec. 5, Act May 11, 1893, P. L. 46.

6. Board May Create a System of Registration of Births, Marriages and Deaths.

The said board of health shall have power to create and maintain a complete and accurate system of the registration of all marriages, births and deaths, which may occur within the borough, and to compel obedience to the same upon the part of all physicians and other medical practitioners, clergymen, magistrates, undertakers, sextons, and all other persons from whom information for such purposes may properly be required.—Sec. 6, Act May 11, 1893, P. L. 46. See Page 51, Par. 6.

7. Rules and Regulations of Board When Approved by Council and Chief Burgess and Advertised to Have Force of Ordinances.

The board shall make and cause to be published all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the borough council and chief burgess, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the borough, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the borough, in the same manner as penalties for the violation of borough ordinances, subject to the like limitation as to the amount thereof.—Sec. 6, Act May 11, 1893, P. L. 46.

Rules and regulations of a borough board of health, vetoed by the chief burgess, may be passed by council over such veto. When the charter of a borough does not confer the veto power upon the chief burgess, and he is not a member of council, his

concurrence in the rules and regulations of the board of health is not necessary. Board of Health Rules in Boroughs, 14 Pa. C. C., 116 (1893); S. C., 3 D. R., 225.

The violation of the regulations of borough boards of health may not be punished by indictment, the proper procedure being a civil suit for the penalty. *Com. v. Clark* (No. 1) 14 Lanc. L. Rev., 41 (1896). Summary convictions had in such cases will be set aside upon appeal. *Com. v. Clark* (No. 2) 14 Lanc. L. Rev., 42, (1896).

8. Board to Submit Annual Estimates to Council and Make Annual Report Thereto—To Make Return to Commissioner of Health.

It shall be the duty of the board of health to submit annually to the council before the commencement of the fiscal year an estimate of the probable receipts and expenditures of the board during the ensuing year, and the council shall then proceed to make such appropriation thereto as they shall deem necessary, and the said board shall, in the month of January of each year, submit a report in writing to the council of its operations for the preceding year, with the necessary statistics thereof, together with such information or suggestions relative to the sanitary conditions and requirements of the borough as it may deem proper, and the council shall publish the same in its official Journal. It shall also be the duty of the board to communicate to the [State Board of Health] Commissioner of Health, at least annually, notice of its organization and membership, and copies of all its reports and publications, together with such sanitary information as may from time to time be required by said [State Board] Commissioner.—Sec. 7, Act May 11, 1893, P. L. 47.

IV.

BOARDS OF HEALTH IN TOWNSHIPS OF THE FIRST CLASS.

1. Constitution of Board.

It shall be the duty of the township commissioners of townships of the first class, in every township of said class in this Commonwealth, within six months after the passage of this act, to nominate and appoint, by a majority vote of the members elected, a board of health of such township, to consist of five persons, not members of the board of township commissioners, one of whom shall be a reputable physician, of not less than two years' standing in the practice of his profession. At the first appointment, the said township commissioners shall designate one of the members of said board of health to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years, and one to serve for five years; and thereafter one member of said board shall be appointed annually, to serve for five years. The board shall be appointed by districts, to be fixed by the said township commissioners, representing as equally as may be all portions of the township. The members shall serve without compensation.—Sec. 1, Act May 29, 1907, P. L. 302.

2. Board to Have the Same Powers and Duties as Boards of Health in Cities of the Third Class.

The duties, responsibilities, powers and prerogatives of said board shall be identical with those assigned to boards of health of cities of the third class by sections three, four, five, six and seven of article eleven of the act of May twenty-third, one thousand eight hundred and eighty-nine, entitled "An act providing

for the incorporation and government of cities of the third class, which reads as follows, due allowance being made for the difference in the municipal government of cities and townships.—Sec. 2, Act May 29, 1907, P. L. 302.

3. Members of the Board—Secretary—Health Officer—Fees— Power to Administer Oaths.

The members of the board shall severally take and subscribe the oath prescribed for township officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, who shall keep the minutes of their proceedings and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the township. The secretary and the health officer shall receive such salary as may be fixed by the Board, which salary shall be paid out of the township treasury, upon proper warrant drawn, and shall hold their offices during the pleasure of the board. They shall severally give bond to the township in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe the oath required by the members of the board. All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall be paid over into the township treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceedings or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.—Sec. 3, Act of May 29, 1907, P. L. 302.

4. Powers and Duties of Board.

The said board of health shall have power, and it shall be their duty, to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or

contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation and treatment of infected persons and persons who shall have been exposed to any infections or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination, to mark infected houses or places, to prescribe rules for the construction and maintenance of house-drains, waste-pipes, soil-pipes and cesspools, and to make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of the township commissioners in case of the prevalence of any contagious or infectious diseases within the township, to establish one or more hospitals, and to make provisions and regulations for the management of the same. The board may, in such cases, appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment, and paid out of the township treasury. It shall be the duty of all physicians practicing within the township to report to the secretary of said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious disease, in the manner directed by the said board.—Sec. 4, Act of May 29, 1907, P. L. 302.

5. Board and Its Employes May Enter Upon Premises and Abate Nuisances.

The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants, and workmen, under and by order of the said board, to enter at any time upon any premises in the township, upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health, for the purpose of examining and abating the same; and all written orders for the removal of nuisance, issued to the said health officer by order of said board, attested by the

secretary, shall be executed by him and his subordinates and workmen, and the cost and expense thereof shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same, in the same manner as debts of like amount are now by law collected.—Sec. 5, Act of May 29, 1907, P. L. 303.

6. Board May Make and Publish Necessary Regulations.

The said board shall make, and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the township commissioners, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the township; and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable, for the use of the township, in the same manner as penalties for the violation of township ordinances, subject to the like limitation as to the amount thereof.—Sec. 6, Act May 29, 1907, P. L. 304.

7. Board to Submit Annual Estimate of Receipts and Expenditures and Report to Township Commissioners and State Health Commissioner.

It shall be the duty of the board of health to submit annually to the township commissioners, before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and the said commissioners shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to the township commissioners of its operations for the preceding year, with the necessary statistics thereof, together with the information or suggestions relative to the sanitary condition and requirements of the township as it

may deem proper; and the commissioners shall publish the same in their official journal. It shall also be the duty of the board to communicate to the State Health Commissioner, at least annually, notice of its organization and membership, and copies of all its reports and publications, together with such sanitary information as may from time to time be required by said State Health Commissioner.—Sec. 7, Act May 29, 1907, P. L. 304.

VI.

Payment for Support of Indigent Quarantined Persons.

Whenever any head of a family, or a person, shall be quarantined by any authority, because of any infectious or contagious disease, and by reason of such quarantine such person becomes unable to pay expense of the maintenance and treatment of his family or himself during the period of quarantine, he shall be considered a "poor person" or a "needy and indigent poor" person within the meaning of the poor laws of this Commonwealth.—Act May 28, 1907, P. L. 285.

Prior to the passage of the above act it had been held in numerous decisions that where persons were quarantined by boards of health in cities and boroughs, and, owing to such quarantine such persons became unable to support themselves and families, the cost of their maintenance during the period of quarantine should be paid by the municipality, and not by the poor directors. *Comm. ex rel. v. Irwin et al.*, 29 Pa. C. C. 537 (1904); *In re Kibby family*, 12 D. R. 527 (1903); *Poor Directors v. South Bethlehem Borough*, 13 D. R. 482 (1903); *Comm. ex rel Zeigler et al. v. Guy et al.*, 13 D. R. 213 (1903); *Borger v. Alliance Borough*, 28 Pa. Super. Ct. Reps., 407 (1905); *In re Beaver County Commissioners*, 14 D. R. 491 (1904); *Carver v. Norristown Borough*, 21 Montg. County Reps. 46 (1905).

The law, however, was not clear as to what the rule should be in such cases in townships, it having been held in some cases

that such expenses should be defrayed by the school board acting as a board of health, and in others that they should be defrayed by the poor directors. Croyle Township School Board, 29 Pa. C. C., 93 (1902); Taylor v. Canton Township School District, 28 Pa. C. C., 273 (1903); Foster v. Neshannock School District, 14 D. R., 495 (1904); Brown v. West Salem School District, 30 Pa. C. C., 125; Dunbar Township School District v. Vanderbilt Borough School District, 32 Pa. C. C., 444 (1906).

The above act places a person who becomes unable to support himself, owing to the fact that he is quarantined, upon the same basis as any other "poor person" or "needy and indigent poor" person, so that his support during the period of his quarantine should be paid for by the poor authorities, whether the cases occur in a municipality or a township.

VI.

1. Boards of Health May Adopt Regulations for Construction of House Drainage and Cesspools.

The boards of health in cities and boroughs of this Commonwealth shall be and they are hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of house drainage and cesspools, and to provide for the registration of journeymen and master plumbers, and persons engaged in the plumbing business in cities and boroughs: Provided, That the provisions of this act shall not apply to boroughs having no system of water supply or system of sewerage.—Sec. 1, Act of June 24, 1895, P. L. 232.

The act of June 24, 1895, is constitutional, but under it a board of health has no authority to adopt a regulation that a person applying for registration shall produce satisfactory proof that he is a bona-fide master plumber, and that all persons failing to furnish such proof shall be obliged to pass an examination before the examining committee of the board. Such a regulation providing for the registration of master

plumbers only and not for the registration of journeymen is void for want of uniformity. *Com. v. Shafer*, 32 Pa. Super. Ct., 497 (1907).

2. Non-Compliance With Such Regulations to Constitute a Misdemeanor.

Any person who shall refuse or neglect to comply with the requirements of said rules and regulations when promulgated shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine of not more than one hundred (\$100) dollars, or undergo an imprisonment not exceeding one year, or both, in the discretion of the court.—Sec. 2, Act June 24, 1895, P. L. 232.



PART III.

Tuberculosis.



PART III.

TUBERCULOSIS.

To provide for the establishing and maintenance of one or more sanatoria or colonies, in Pennsylvania, for the free care and treatment of indigent persons suffering from tuberculosis, and making an appropriation therefor.

Whereas, Tuberculosis by its widespread distribution throughout this Commonwealth is causing untold suffering and distress, is affecting the health and prosperity of our citizens, is draining the resources of individuals, and causing an appalling waste of human life; and

Whereas,

Whereas, Modern science has demonstrated the possibility of minimizing this disease by measures of education, sanitary supervisions, isolation, and early medical treatment; and

Whereas, The Department of Health has one physician in each of sixty-six counties of the State, and is about to authorize a sufficient number of health officers to see that the present health laws, under the rules and regulations adopted by the Department of Health, are carried out, and thereby care for those suffering from communicable diseases which are not now cared for by the hospitals of this Commonwealth; and

Whereas, The Department, with a sufficient appropriation and its present equipment, will establish dispensaries for the free treatment of indigent persons affected with tuberculosis, for the dissemination of knowledge relating to the prevention and cure of tuberculosis, and for the study of social and occupational conditions that predispose to its development; and

Whereas, There are always thousands of indigent people in this Commonwealth who have contracted tuberculosis, whose homes, lodging-

places, and means will not permit them to take advantage of the advice and education dispensed by the Department of Health, as outlined above; therefore,—

Sanatoria.

Treatment of tuberculosis.

Department of Health may erect and equip buildings.

Forestry reservations.

Appropriations.

Section 1. Be it enacted, &c., That one or more sanatoria or colonies be established in the State, for the reception and treatment of indigent persons affected with incipient tuberculosis, and those so far advanced with the same disease, that may be made comfortable, and removed from their families and the people at large to prevent the spread of the contagion.

For these purposes the Department of Health, with the approval of the Governor, shall be authorized to acquire property, erect buildings, equip the same, and do all things necessary to accomplish such work, for the best interest of the people of this Commonwealth, in curing and preventing tuberculosis.

Section 2. Be it further enacted, that, should the Department of Health and the Governor select one or two tracts of land, of not over five hundred acres each, within the boundaries of the State forestry reservations, that said land be set aside for such purpose.

For the purposes specified in this act, the sum of six hundred thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated, for the two fiscal years beginning June one one thousand nine hundred and seven.

Approved—The 14th day of May A. D. 1907.

EDWIN S. STUART.

APPROPRIATIONS.

"To enable the Department of Health to establish and maintain, at such places in the State as may be deemed necessary, dispensaries for the free treatment of indigent persons affected with tuberculosis, for the dissemination of knowledge relating to the prevention and cure of tuberculosis, for the study of social and occupational conditions that predispose to its development, and for continuing research experiments for the establishment of possible immunity and cure of said disease, two years, the further sum of four hundred thousand dollars (\$400,000.00)."—Appropriation Act 1907.

"And for acquiring of property; constructing, equipping, and maintaining sanatoria, infirmaries, and dispensaries for the free treatment of indigent persons affected with tuberculosis; and for the maintenance of laboratories for sanitary supervision, isolation, education, and treatment of indigent persons affected with tuberculosis; for the payment of salaries and for all other necessary expenses which may be incurred in this tuberculosis work, the further sum of two million dollars (\$2,000,000), or so much thereof as may be necessary."—Appropriation Act 1909.

"For the acquiring of property; constructing, equipping and maintaining sanatoria, infirmaries, and dispensaries for the free treatment of indigent persons affected with tuberculosis, and for the maintenance of laboratories for sanitary supervision, isolation, and treatment of indigent persons affected with tuberculosis; and for the preventive education of the public; for the payment of salaries, and for all other necessary expenses which may be incurred in this tuberculosis work; the further sum of two million six hundred and twenty-four thousand eight hundred and eight dollars (\$2,624,808)."—Appropriation Act 1911.



PART IV.

Sanitary Laws of General Application.



PART IV.

SANITARY LAWS OF GENERAL APPLICATION.

I.

REGULATIONS, APPLICABLE TO THE COMMONWEALTH OF PENNSYLVANIA, RELATIVE TO INFECTIOUS AND CONTAGIOUS DISEASES.

1. Physicians in Commonwealth to Report All Cases of Certain Infectious and Contagious Diseases to the Health Authorities.

Every physician, practicing in any portion of this Commonwealth, who shall treat or examine any person suffering from, or afflicted with, actinomycosis, anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery, erysipelas, German measles, glanders (farcy), rabies (hydrophobia), leprosy, malarial fever, measles, mumps, pneumonia (true), puerperal fever, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, typhus fever, whooping-cough, or yellow fever, shall, if said case shall be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough, or township of the first class not having a board of health or body acting as such, to the State Department of Health; upon blanks supplied for that purpose, in which report he shall, over his or her own signature, state the

name of the disease, and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school and the name or names of the school or schools so attended, together with such other information relating to said case as may be required by said health authorities and the State Department of Health.—Sec. 1, Act of May 14, 1909, P. L. 1909, p. 855, etc.

1A. Osteopaths to Make Report of Contagious Diseases.

Osteopathic physicians shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, the same as physicians of other schools, and such reports shall be accepted by the officers or department to whom the same are made.—Sec. 12, Act of March 19, 1909, P. L. p. 46.

2. Health Authorities to Placard Houses in Which Cases of Said Diseases May Be Located—May Place Guards Upon the Premises.

Upon receipt by the health authorities of any township of the first class, borough, or city, or by the State Department of Health, of a report of the existence of a case of anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), erysipelas, German measles, glanders (farcy), leprosy, malarial fever, measles, mumps, relapsing fever, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), typhoid fever, typhus fever, whooping-cough or yellow fever, the said health authorities, or the State Department of Health, as

the case may be, shall quarantine or cause to be quarantined the premises in which such disease exists, and any person or persons who has or have been exposed thereto, in the manner prescribed by the rules and regulations both of said health authorities and the State Department of Health; and shall post or cause to be posted in a conspicuous place or places, upon the premises in which said disease may be located, a placard or placards upon which shall be printed in conspicuous letters the name of the disease from which the person or persons in said house or premises is suffering, with the warning that the said premises are quarantined, and shall so remain until the quarantine is removed by said health authorities or the State Department of Health, and setting forth the requirements of this act, and the rules and regulations of said health authorities and those of the State Department of Health relative to said quarantine, and the penalties prescribed by law for violation of said requirements, rules, and regulations: Provided, That variola or varioloid shall be placarded as "smallpox," and that diphtheritic croup, membranous croup, and putrid sore throat shall be placarded as "diphtheria," and that scarlatina and scarlet rash shall be placarded as "scarlet fever;" and said placard or placards shall remain in place until the expiration of such time as may be determined by said health authorities or the State Department of Health, and shall be removed by a health officer after the restrictions prescribed by the rules and regulations of such health authorities and those of the State Department of Health, regarding the destruction and disinfection of infected bedding, clothing, and other articles which have been exposed to infection, and the disinfection of the house, premises, and persons, have been fully complied with: Provided further, That in addition to the placarding aforesaid, said health authorities may, for the purpose of enforcing quarantine regulations, place a guard or guards over said house or premises.—Sec. 2, Act of May 14, 1909, P. L. 1909, p. 855 etc.

3. Children or Other Persons Suffering From Anthrax, Bubonic Plague, Cerebrospinal Meningitis (Epidemic), (Cerebro-spinal Fever, Spotted Fever), Asiatic Cholera, Smallpox (Variola, Varioloid), Typhus Fever, Yellow Fever, Relapsing Fever or Leprosy, or Residing in the Same Premises With Any Person so Suffering, to Be Excluded From School.

No child, or other person, suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), Asiatic cholera, smallpox (variola, varioloid), typhus fever, yellow fever, relapsing fever, or leprosy, or residing in the same premises with any person suffering from any of said diseases, shall be permitted to attend any public, private, parochial, Sunday or other school, and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such children or persons from said schools; such exclusion to continue for a period of thirty days following the release, by reason of the recovery or death, of the person last afflicted in said premises, or his or her removal to a hospital, the removal of quarantine, and the thorough disinfection of the premises.—Sec. 3, Act of May 14, 1909, P. L. 1909, p. 855 etc.

4. Children or Other Persons Suffering From Scarlet Fever (Scarletina or Scarlet Rash), or Residing in the Same Premises With Any Person so Suffering, to Be Excluded From School.

No child, or other person, suffering from scarlet fever (scarlatina, scarlet rash) shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, and other similar schools, are hereby required to exclude

any and all such children and persons from such schools; such exclusion to continue for a period of thirty days following the removal of quarantine and the disinfection of the premises wherein such child or other person shall reside; and no child, or other person, residing in the same premises with any person suffering from scarlet fever (scarlatina, scarlet rash) shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, teachers or other persons in charge of private, parochial, Sunday, and other similar schools, are hereby required to exclude any and all such children or persons from said schools, until the expiration of the quarantine period for the last person in the said premises so afflicted; provided the person or persons so afflicted has or have been properly isolated during the quarantine period; otherwise, such exclusion to continue for a period of ten days following the removal of quarantine and disinfection of the premises, by reason of the recovery, death or removal to a hospital of the person last afflicted in said premises: Provided, however, That any child or person who is immune from scarlet fever, by virtue of a former attack—this fact being attested by the attending physician—may, on an outbreak of the said disease in the premises in which he or she resides, be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove therefrom, and take up his or her residence in other premises occupied exclusively by adults, and may, from and after ten days from such removal, be admitted into any of the said schools.—Sec. 4, Act of May 14, 1909, P. L. p. 855, etc.

5. Children or Other Persons Suffering From Diphtheria (Diphtheritic Croup, Membranous Croup or Putrid Sore Throat), or Residing in the Same Premises With Any Person so Suffering, to Be Excluded From School.

No child, or other person, suffering from diphtheria (diphtheritic croup, membranous croup, or putrid sore throat) or residing in the same premises with any person suffering therefrom, shall be permitted to attend any public, private, paroch-

ial, Sunday, or other school; and the teachers of public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools are hereby required to exclude any and all such children or persons from said schools; such exclusion to continue for a quarantine period of twenty-one days from the date of onset of the disease in the last person so afflicted; or for a period of fourteen days from the date of onset of the disease in the person last so afflicted, provided that anti-toxin has been used for the treatment of the person or persons so afflicted, and for the immunizing of the inmates of the premises not so afflicted: And further provided, That two negative bacteriological cultures have been secured from the diseased area of the person last so afflicted, on two successive days; said children or persons may, in either event, thereafter, upon the removal of quarantine and disinfection of the premises, be immediately readmitted to any of said schools.—Sec. 5, Act of May 14, 1909, P. L. 1909, p. 855, etc.

6. Children or Other Persons Suffering From Measles, German Measles, Chickenpox, or Mumps, or Residing In the Same Premises With Any Person so Suffering, to Be Excluded From School.

No child, or other person, suffering from measles, German measles, chicken-pox, or mumps, or residing in the same premises with any person suffering therefrom, shall be permitted to attend any public, private, parochial, Sunday, or other school; and the teachers of all public schools, and the principals, superintendents, and teachers, or other persons in charge of private, parochial, Sunday, or other similar schools, are hereby required to exclude any and all such children or persons from said schools; such exclusion to continue during a quarantine period of twenty-one days, and until the said quarantine is removed and the premises disinfected: Provided, however, That any child or person who may have been exposed to any of said diseases, owing to an outbreak thereof in the premises in which he or she resides, but who shall not have developed the same,

shall be allowed, after taking a disinfecting bath and putting on disinfected clothing, to remove therefrom, and take up his or her residence in other premises occupied exclusively by adults, and may, after fourteen days from such removal, be admitted into any of said schools.—Sec. 6, Act of May 14, 1909, P. L. p. 855, etc.

7. Children or Other Persons Suffering From Whooping Cough or Erysipelas, to Be Excluded From School.

No child, or other person, suffering from whooping-cough or erysipelas shall be permitted to attend any public, private, parochial, Sunday, or other schools; and the teachers of public schools, and the principals, superintendents and teachers, or other persons in charge of private, parochial, Sunday, or other similar school, are hereby required to exclude any and all such children and persons from said schools, for a period of thirty days following the removal of the quarantine on the premises wherein such children or persons reside, respectively, and the disinfection of the premises, and of the person or persons suffering from said disease.—Sec. 7, Act of May 14, 1909, P. L. 1909, p. 855, etc.

8. Conditions Under Which Children or Other Persons Excluded From Any School Because of Contagious Disease May Be Re-admitted to School.

No child, or other person, excluded from any school by the provisions of this act, shall be re-admitted thereto unless he or she, or some person on his or her behalf, shall furnish to the principal, superintendent, or teacher, or other person in charge of said school, a certificate setting forth that the conditions for such readmission prescribed by this act have been complied with; which certificate shall be signed by a person to be designated for that purpose, in cities, boroughs, and townships of the first class, by the health authorities thereof, exclusively; and in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the State Department of Health; and the registry of all public, private, parochial,

Sunday, and other schools shall exhibit the names and residences of all children and persons excluded therefrom or readmitted thereto, agreeably to the provisions of this or any other act of Assembly; and said registry shall be open, at all times, to the inspection of the city, borough, or township authorities and the State Department of Health, and their respective officers and agents.—Sec. 8, Act of May 14, 1909, P. L. 1909, p. 855, etc.

9. Blank on Which to Make Reports and Certificates to Be Supplied.

Blanks whereon to make the reports and certificates required by this act shall be supplied, in cities, boroughs, and townships of the first class, by the health authorities thereof, respectively; and in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such, by the State Department of Health.—Sec. 9, Act of May 14, 1909, P. L. 1909, p. 855, etc.

10. Daily Reports by Health Authorities to Be Furnished to Persons in Charge of Schools.

It shall be the duty of the health authorities of cities, boroughs, and townships of the first class, respectively, to furnish daily, by mail or otherwise, to principals, superintendents, teachers, and other persons, in charge of public, private, parochial, Sunday and other schools, a printed or written bulletin containing the name, location, and disease of all persons suffering from any of the diseases mentioned in sections three, four, five, six, and seven of this act, upon receipt by them of reports of such cases from physicians, as required by section one of this act; and such bulletin shall be daily furnished to such persons in charge of such schools in townships of the second class, and in cities, boroughs, and townships of the first class, not having boards of health or bodies acting as such by the State Department of Health.—Sec. 10, Act of May 14, 1909, P. L. 1909, p. 855, etc.

11. Fumigation and Disinfection of Premises.

Upon the removal to a hospital or other place, or upon the discharge by the recovery or death, of any person or persons who has or have suffered from any of the diseases mentioned in section two of this act, all premises which have been occupied by the said person or persons while suffering from any of the said diseases shall be fumigated and disinfected, and bedding, clothing, or other infected articles shall be disinfected or destroyed, at such time and in such manner as may be authorized and required by the health authorities.—Sec. 11, Act of May 14, 1909, P. L. 1909, p. 855, etc.

12. Use of Hired Vehicles and Public Conveyances by Persons Suffering From Any Contagious Disease.

No person suffering from any of the diseases mentioned in section two of this act, nor any one who has charge of the person so suffering, shall enter any hired vehicle or other public conveyance, or permit any one in his or her charge who is suffering therefrom to enter such vehicle, without previously notifying the owner or driver thereof that he or she, or the person in his or her charge, is so suffering; and the owner or driver of such vehicle shall immediately provide for the disinfection of such conveyance, under the direction of the health authorities, after it has, with the knowledge of such owner or driver, conveyed any such sufferer.—Sec 12, Act of May 14, 1909, P. L. 1909, p. 855, etc.

13. No Person Suffering From a Contagious Disease to Expose Themselves in Public Places.

No person suffering from anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken-pox, Asiatic cholera, diptheria (diptheritic croup, membranous croup, putrid sore throat), German measles, measles, mumps, relapsing fever, scarlet fever (scarlatina, scarlet rush), smallpox (variola, varioloid), typhus fever, yellow

fever, or whooping-cough, shall wilfully expose himself or herself in any street or public conveyance, nor shall any person in charge of any one so suffering thus expose the sufferer.—Sec. 13, Act of May 14, 1909, P. L. 1909, p. 855, etc.

14. Infected Clothing, Bedding or Rags Not to Be Given Away or Otherwise Disposed of Until Disinfected.

No person shall, without previous disinfection, give, lend, sell, transmit, or expose any bedding, clothing rags or other articles which have been exposed to infection from any of the diseases mentioned in section one of this act: Provided, That such restriction shall not apply to the transmission of articles, with proper precaution, for the purpose of having the same disinfected.—Sec. 14, Act of May 14, 1909, P. L. 1909, p. 855, etc.

15. No House or Room in Which Persons Suffering From Contagious Diseases Have Been Located to Be Rented Without Previous Disinfection.

No person shall let any room, house, or part of a house, in which there has been a person suffering from any of the diseases mentioned in section two of this act, without having such room, house, or part of a house, and all articles therein, previously disinfected to the satisfaction of the health authorities. The keeping of a hotel, boarding-house or apartment-house shall be deemed as letting a part of a house to any person who shall be admitted, as a guest, into such hotel, boarding-house or apartment-house.

16. Local Health Authorities Authorized to Establish Additional Regulations for the Isolation of Persons Suffering From Contagious Diseases and for Disinfection of Premises and Effects.

The health authorities of the several townships, boroughs, and cities of this Commonwealth may, and they are hereby authorized and empowered to, establish additional rules and

regulations regarding the isolation and quarantine of persons who may be suffering from any of the diseases mentioned in section two of this act, and for the destruction, disinfection, and fumigation of bedding, clothing, or other infected articles, and for the disinfection and fumigation of houses and premises, and for the carrying out of the provisions of this act, as they may in good faith declare the public safety and health demand; which rules and regulations they may, from time to time, alter or amend, but in no instance shall such rules abridge in any way the provisions of this act or the regulations of the State Department of Health. Sec. 16, Act of May 14, 1909.—P. L. 1909, p. 855, &c.

17. Bodies of Persons Dying of Contagious or Infectious Diseases to be Placed in a Coffin or Casket Within a Certain Number of Hours.

In the preparation for burial of the body of any person who has died of Asiatic cholera, glanders (farcy), bubonic plague, smallpox (variola, varioloid), yellow fever, typhus fever, scarlet fever (scarlatina, scarlet rash), relapsing fever, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), diphtheria (diphtheritic croup, membranous croup, putrid sore throat), tetanus, or leprosy, it shall be the duty of the undertaker, or person acting as such, to thoroughly disinfect and place such body within the coffin or casket in which it is to be buried within six hours after being first called upon to take charge of the same, provided said call is made between the hours of five ante meridian and eleven post meridian; otherwise, such body shall be so placed in such coffin, or casket, within twelve hours; the coffin, or casket, then to be closed tightly, and not again opened unless permission be granted by the health authorities, for special and satisfactory cause shown. Sec. 17, Act of May 14, 1909.—P. L. 1909, p. 855, &c.

18. Bodies of Persons Dying of Contagious or Infectious Diseases to be Buried Within a Certain Number of Days.

The body of a person who has died of any of the diseases mentioned in section seventeen of this act shall not remain un-

buried for a longer period of time than thirty-six hours after death, unless special permission be granted by the health authorities extending the time during which said body shall remain unburied for special and satisfactory cause shown. The undertaker, or person acting as such, shall be responsible for any violation of the provisions of this section. Sec. 18, Act of May 14, 1909.—P. L. 1909, p. 855, &c.

19. Attendants at Funerals of Persons Dying of Contagious or Infectious Diseases to be Strictly Limited.

All services held in connection with the funeral of the body of a person who has died of any of the diseases mentioned in section seventeen of this act shall be private, and the attendance thereat shall include only the immediate adult relatives of the deceased, who may not at the time be under absolute quarantine restrictions, and the necessary number of adult pall-bearers, and any advertisement of such funeral shall state the cause of death. Sec. 19, Act of May 14, 1909.—P. L. 1909, p. 855, &c.

20. Bodies of Persons Dying of Contagious or Infectious Diseases not to be Taken into any Church or other Public Building.

The body of a person, who has died of any of the diseases mentioned in section seventeen of this act, shall in no instance be taken into any church, chapel, public hall, or public building, for the holding of funeral services. The undertaker, or person acting as such, and the sexton, janitor, or other person having control of such church, chapel, public hall, or public building, shall be responsible for any violation of the provisions of this section. Sec. 20, Act of May 14, 1909.—P. L. 1909, p. 855.

21. Conveyances to be Furnished for Adult Relatives and Pall Bearers only by Undertakers at Funerals of Persons Dying of a Contagious or Infectious Disease.

No undertaker, or person acting as such, at the funeral or burial of the body of a person who has died of any of the diseases mentioned in section seventeen of this act, shall furnish or provide for such funeral or burial more than the necessary number of conveyances for such adult relatives as are mentioned in section nineteen of this act, and pall-bearers; and all such conveyances shall be fumigated and disinfected, at such time and in such manner as may be directed and required by the health authorities. Sec. 21, Act of May 14, 1909.—P. L. 1909, p 855, &c.

22. Bodies of Persons Dying of Infectious or Contagious Diseases to be Conveyed only in a Hearse or Other Vehicle used Exclusively for the Conveyance of Corpses.

The body of a person who has died of any of the diseases mentioned in section seventeen of this act shall not be conveyed from any dwelling, or other building or place, to any cemetery or other point or place, except in a hearse, or other vehicle used for the purpose of conveying corpses only, or in such vehicles as shall be satisfactory to the health authorities, and under such regulations as they may in any case adopt. The undertaker, or person acting as such, having charge of the funeral or transportation of such body shall be responsible for any violation of the provisions of this section. Sec. 22, Act of May 14, 1909.—P. L. 1909, p. 855, &c.

23. Local Health Authorities and Superintendents or Other Persons in Charge of Asylums, Hospitals or other Institutions Located in Townships of the Second-class to Make Weekly Reports to the State Department of Health.

The health authorities of the several cities, boroughs, and townships of the first class, shall, at the end of each week, and for the fraction of each week occurring at the end of each

month, report to the State Department of Health, upon blanks supplied for that purpose, a list of all cases of communicable diseases mentioned in section one of this act, which have been reported to them during said period; which report shall contain the name of each person suffering therefrom, respectively, and his or her age, sex, color, and nativity, together with the name of the disease and the date of the onset thereof; and in the event of no reports of any of said diseases having been received by the aforesaid health authorities, respectively, during any said period, that fact shall be reported to the State Department of Health. All superintendents and other persons in charge of asylums, hospitals, or other institutions, located in townships of the second class, shall, at the end of each week, and portion of a week occurring at the end of each month, report to the State Department of Health, on blanks to be supplied for that purpose, a list of the inmates of such institutions, respectively, who may have suffered from any of the diseases enumerated in section one of this act, together with the above-mentioned data relative to each inmate, with the date of his or her admission to the institution, and the name of the city, borough, or township from which he or she was admitted. Sec. 23, Act of May 14, 1909, P. L.—1909, p. 855, &c.

24. Penalty for the Removal, Defacements, Etc., of Placards, Violation of Quarantine Regulation, Interference with Health Authorities or Other Violation of the Law Relating to the Control of Communicable Diseases.

Any person who shall remove, deface, cover up, or destroy, or cause to be removed, defaced, covered up, or destroyed, any placard relating to any of the diseases mentioned in section two of this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein such offense was committed, be sentenced to pay a fine of not less than ten (\$10) dollars, or more than one hundred (\$100) dollars, to be paid to the use of said county, or to be imprisoned in the county jail for a period of not less than ten days or more than thirty days

or both, at the discretion of the court; and any person who shall violate any of the quarantine restrictions imposed by this act, the rules and regulations of the health authorities of any city, borough, or township of the first class, or of the State Department of Health, or who shall interfere with the said health authorities or agents thereof in the discharge of his or their duties, as provided for in this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not less than fifty (\$50) dollars, or more than one hundred (\$100) dollars, to be paid to the use of the said county, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday school, sexton, janitor, or any other person or persons, who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions of this act, shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not less than twenty (\$20) dollars, or more than one hundred (\$100) dollars, to be paid to the use of said county, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court. Sec. 24, Act of May 14, 1909.—P. L. 1909, p. 855, &c.

25. Principals and Other Persons in Charge of Schools to Exclude and Refuse Admission of Children Not Presenting Certificate of Physician That Such Children Have Been Successfully Vaccinated or Previously Had Smallpox.

All principals or other persons in charge of schools as aforesaid are hereby required to refuse the admission of any child to the schools under their charge or supervision, except upon a certificate, signed by a physician, setting forth that such child has been successfully vaccinated, or that it has previously had smallpox.—Sec. 12, Act June 18, 1895, P. L. 207.

26. Certain Public Officers Not to Be Members of a Board of Health Nor Hold Any Office Thereunder.

No justice of the peace, member of council, or other officer, except school directors, constables, or election officers, shall, at the same time, be a member of the board of health of such municipality, or hold any office or appointment under the same.—Sec. 20, Act June 18, 1895, as amended by Sec. 1, Act April 3, 1903, P. L. 138.

27. Penalties for the Violation of Any of the Provisions of This Act.

Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family, or any other person or persons named in this act, who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions or requirements of this act, shall, for every such offense, upon conviction thereof before any mayor, burgess, alderman, police magistrate or justice of the peace of the municipality in which said offense was committed, be liable to a fine or penalty therefor of not less than five dollars nor more than one hundred dollars; which said fines or penalties shall be paid into the treasury of said municipality; and in default of payment thereof, such person or persons so convicted shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days: Provided, however, That all actions for the recovery of any fine or penalty for the violation of any of the provisions of this act shall be commenced within sixty days from the commission of the offense, and not afterwards.—Sec. 21, Act June 18, 1895, P. L. 208, as amended by Act of April 3, 1903, P. L. 244.

2. ACTS RELATIVE TO INDIGENT SICK AND INJURED PERSONS.

1. Relief of Needy Sick and Injured Persons in Counties in Which There Are no County Poorhouses.

In each and every county of this Commonwealth in which a poor or almshouse for the support, care and shelter of the needy and indigent is not maintained by and at county expense, it shall be the duty of the poor directors, or overseers of the poor, of the several poor districts, in such counties, to provide all needy, sick and injured indigent person or persons in their said several districts with necessary support, shelter, medicine, medical attendance, nursing, and, in case of death, burial, whether said needy, sick and injured indigent person or persons have a legal settlement in the poor district in which they thus require assistance or not; but if such indigent person or persons have no known legal settlement within the Commonwealth of Pennsylvania, it shall be lawful for such directors or overseers to notify the commissioners of the county, where such relief is asked or required, of the necessity for such relief to such indigent person or persons; and, from and after such notice, the expense of such relief or burial shall be borne by the county in which the poor district furnishing the same is located; or, in their discretion, the commissioners of such county may take charge of such indigent person or persons, and provide necessary relief or burial at the expense of the county. And in event of any such poor district, after due notice to commissioners and their election not to take charge of such indigent person or persons, having assumed or paid the expense thus incurred for the relief or burial of such indigent person or persons, whose legal settlement is unknown, the county in which such poor district is located shall be liable to such poor district in an action in assumpsit, in a civil court, for the amount thus expended or incurred, and the want of an order of relief or approval order shall not be a bar to recovery: Provided, Nothing

in this act shall be held to change the laws provided in the act of June thirteen, one thousand eight hundred and eighty-three, regarding the duties of officials in charge or control of dead bodies.—Sec. 1, Act March 6, 1903, P. L. 18.

2. Poor Authorities in Cities of Third Class to Furnish Relief to Needy Persons.

The overseers of the poor, director or directors of the poor, and all other officers or boards having the charge or control of the poor, in the several cities of the third class of this Commonwealth, are hereby authorized to furnish relief to all such persons as are needing the same, in all cases where any such officer or authorities are satisfied, upon investigation, that such relief is necessary. The authority hereby given shall not prevent the taking out of orders of relief in cases where the proper poor authorities have refused to act.—Sec. 1, Act June 14, 1901, P. L. 561.

3. Necessary Medical Attendance to Needy Persons Who May Be Suffering From Hydrophobia.

In each and every county of this Commonwealth it shall be the duty of the proper officers of the several poor districts, in such counties, at the expense of such poor districts, respectively, to provide all persons who may apply for aid in their said several districts, who may be bitten by dogs or other animals suffering from hydrophobia, or rabies, with the proper medical attention to prevent the development of the disease in the person or persons so bitten, which medical attention may include the treatment known as the Pasteur treatment.—Act May 7, 1907, P. L. 170, amending Sec. 1, Act March 31, 1905, P. L. 92.

NOTE: Under the foregoing act a poor district is not liable to the father of a child for expenses incurred for its treatment for hydrophobia in a hospital, unless application was made to the directors before the child was placed in said institution. *Kochenaur v. Cumberland Co. Poor Directors*, 16 D. R., 581 (1906).

IV.

SANITARY LAWS RELATING TO SCHOOLS AND
SCHOOL HOUSES.

1. Boards of School Directors and Controllers of School Districts to Provide Suitable and Convenient Water Closets.

Boards of school directors and controllers shall provide suitable and convenient water closets for each of the schools under their official jurisdiction, not less than two for each school or school building where both sexes are in attendance, in their respective school districts, with separate means of access for each, and unless placed at a remote distance one from the other, the approaches or walks thereto shall be separated by a substantial close fence, not less than seven feet in height, and it shall be the duty of the directors or controllers to make provisions for keeping the water closets in a clean, comfortable and healthful condition.—Sec. 1, Act June 6, 1893, P. L. 339.

2. Failure to Comply With Requirements of Act Renders Directors or Controllers Liable to Removal From Office.

Any failure on the part of school directors or controllers to comply with the provisions of this act shall make them liable to be removed from office by the court of quarter sessions of the county in which the schools are located, upon complaint made to the court, under oath or affirmation, of not less than five taxable citizens resident in the school district in which the school is located.—Sec. 2, Act June 6, 1893, P. L. 339.

3. Boards of School Directors and Controllers of School Districts to Cleanse School Outhouses.

The board of school directors and controllers of each school district of this Commonwealth, be and they are hereby required, at least once during each full school term, and prior to the first of January of each year, and within thirty days after the close

of each annual school term, to have taken out, removed and hauled away all excrement and waste matter from every outhouse or water closet, connected with or standing upon the premises of every public school house in the Commonwealth, or have the same properly disinfected, and they are required to have every outhouse or water closet properly scrubbed, washed out and cleaned, the inside walls whitewashed, and the vaults or receptacles covered with a layer of fresh dirt or dry slacked lime within ten days of the opening of each annual school term.—Sec. 1, Act June 26, 1895, P. L. 254.

4. Provisions of Act to Be Carried Out Before State Appropriation is Paid.

The president of each board of school directors or controllers is required each year to certify, in the regular form provided for that purpose, that the requirements of this act have been fully carried out before the district can draw its annual appropriation from the State.—Sec. 2, Act June 26, 1895, P. L. 255.

This act is mandatory, and must be strictly followed. Lower Salford Township School Directors, 19 Pa. C. C., 264 (1897).

(1) See Act 1895, *supra*, Secs. 11, 12, 13, etc.

5. Public School Buildings to be so Constructed That the Health, Sight and Comfort of All Pupils May be Properly Protected. Plans for Heating, Lighting and Ventilation to be Submitted.

No school house shall be erected by any board of education or school district in this State, the cost of which shall exceed four thousand (\$4,000) dollars, until the plans and specifications for the same shall show in detail the proper heating, lighting and ventilating such building.—Sec. 1, Act April 22, 1905, P. L. 282.

6. Direction and Area of Light Regulated.

Light shall be admitted from the left, or from the left and rear of classrooms, and the total light area must, unless strengthened by the use of reflecting lenses, equal at least twenty-five per centum of floor space.—Sec. 2, Act April 22, 1905, P. L. 282.

7. Floor Space, Air Space and Temperature Regulated.

School houses shall have in each classroom at least fifteen square feet of floor space, and not less than two hundred cubic feet of air space per pupil, and shall provide for an approved system of indirect heating and ventilation, by means of which each classroom shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil, and warmed to maintain an average temperature of seventy degrees Fahrenheit during the coldest weather.—Sec. 3, Act April 2, 1905, P. L. 282.

8. School Directors to Adopt a Modern Method of Disinfecting School Houses.

On and after the passage of this act it shall be the duty of the board of school directors, trustees, or other person or persons having control of any school or college building in any city of this Commonwealth, to adopt and immediately put into operation a modern method and system of disinfection for the disinfection of such school or college buildings.—Sec. 1, Act April 14, 1903, P. L. 172.

9. Buildings to be Disinfected at Least Once in Two Weeks.

And it shall further be the duty of such board of school directors, trustees or other person or persons having control of any school or college building in any city of this Commonwealth, at regular intervals of not exceeding two weeks, to cause all the school or college buildings under their control to be thoroughly disinfected by means of the method and system which they may adopt in compliance with section one of this act.—Sec. 2, Act April 14, 1903, P. L. 172.

10. Wherever There Are Local Boards of Health, Systems of Disinfection to be Approved Thereby.

Whenever there exists in any city a local board of health for such city, the method and system of disinfection adopted by the board of school directors, trustees, or other person or per-

sons having control of any school or college building in such city shall be approved by such local board of health; in any city where no such local board of health exists, such method and system of disinfection, as aforesaid, shall be approved by the [State Board of Health] Commissioner of Health of this State.—Sec. 3, Act April 14, 1903, P. L. 173.

11. Disinfection to be Effected Without Interfering With Regular School Sessions.

In operating such methods and system of disinfection, as aforesaid, the person or persons in charge of such duty shall, as far as practicable, perform such duty in such manner as not to interfere with the regular school sessions held in said school or college buildings and it shall not be necessary, under this act, to perform such duty in any school or college building which is not used and occupied for school purposes.—Sec. 4, Act April 14, 1903, P. L. 173.

12. School Directors to Set Aside Fund From State School Appropriation to Pay Expenses of Fumigation.

In order to fully and completely carry out the provisions of this act, and to defray the expenses necessary to equip and put into operation by the board of school directors, trustees, or other person or persons having control of any public or high school of this State, such method and system of disinfection, as aforesaid, there shall be set aside by such school directors, trustees, or other person or persons having control of any public or high school building out of the funds biannually appropriated by this State, under the act "providing method of distributing the appropriation to common schools," sufficient money necessary to defray the expenses incident thereto.—Sec. 5, Act April 14, 1903, P. L. 173.

13. Penalty for Failure to Comply With Provisions of Act.

Any board of school directors, trustee, or other person or persons, charged under this act with the enforcement of any of its

provisions, who shall neglect to properly enforce the same, shall, upon complaint of [State] the Commissioner of Health or local board of health to the court of common pleas of the proper county, pay a fine of not less than five dollars nor more than one hundred dollars.—Sec. 6, Act April 44, 1903, P. L. 173.

14. Heating and Ventilation of School Rooms—Heating With Stoves.

On and after the first day of December, nineteen hundred and seven, that it shall be unlawful for any board of school directors within this Commonwealth to use a common heating stove for the purpose of heating any school room, unless every such stove shall be in part enclosed within a shield or jacket, made of galvanized iron or other suitable material, and of sufficient height and so placed as to protect all pupils, while seated at their desks, from direct rays of heat.—Sec. 1, Act May 29, 1907, P. L. 320.

15. Ventilation.

Every school room in this Commonwealth shall be provided with ample means of ventilation, and that, when windows are the only means in use, they shall be so constructed as to admit of ready adjustment, both at the top and bottom, and some device shall be provided to protect pupils from currents of cold air.—Sec. 2, Act May 29, 1907, P. L. 320.

16. Thermometers to be Placed in School Rooms.

A thermometer shall be placed in every school room in this Commonwealth, by the directors in charge, and this provision shall be complied with even when standard systems of heating and ventilation are in use.—Sec. 3, Act May 29, 1907, P. L. 320.

17. Penalty.

Any school board neglecting or refusing to comply with the provisions of this act, may, by proper course of law, be dismissed from office: Provided, That when one or more members shall vote to comply with the provisions of this act, such member or members shall not be subject to dismissal.—Sec. 4, Act May 29, 1907, P. L. 320.

MEDICAL INSPECTION OF SCHOOLS.

(SCHOOL CODE)

ARTICLE XV.

MEDICAL INSPECTION AND HYGIENE.

Medical
inspection of
pupils.

Inspectors.

Compensation.
Proviso.

Proviso.

First class
district in-
spections.

Section 1501. Every school district of the first, second, or third class in this Commonwealth shall annually provide medical inspection of all the pupils of its public schools by proper medical inspectors, to be appointed by the board of school directors of the district. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian. All such medical inspectors shall be physicians legally qualified to practice medicine in this Commonwealth, who have had at least two years' experience in the practice of their profession, and shall be paid such amounts as the boards of school directors may determine: Provided, That nothing in this act shall preclude the appointment of health officers of municipalities as medical inspectors in the school districts of this Commonwealth: Provided further, That if in any year, before the first day of August, the board of school directors of any school district of the third class shall decide, by a majority vote of the members thereof, not to have medical inspection in any or all of the schools of such district, such medical inspection shall not be made in such schools during the following school year.

Section 1502. In school districts of the first class, wherein the Department or Board of Health therein is providing the medical inspection for the public schools as required by this act, said Department or Board of Health may, if it so elects, continue to provide such medical inspection, and appoint such number of inspectors therefor, with such salaries, as shall be satisfactory to the board of school di-

rectors of the district, and the medical inspection so provided shall be deemed a compliance with this act, and shall be paid for by the school district.

Section 1503. In every school district of the fourth class in this Commonwealth the State Department of Health shall provide, in such manner as it may determine, medical inspection for all the pupils in the public schools by proper medical inspectors, to be appointed by the State Commissioner of Health, at the expense of said Department. All such medical inspectors shall be legally qualified physicians, who have had not less than two years' experience in the practice of their profession. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian: Provided, That if the board of school directors of any school district of the fourth class shall decide, by a majority vote of the members thereof, not to have medical inspection of the pupils in a part or all of the schools of such district, and the Commissioner of Health is officially notified thereof, in writing, before the first day of July, such medical inspection shall not be made in such schools during the following school year.

Fourth
class districts.

Medical
inspection.

Inspectors.

Proviso.

Vote of
directors.

Section 1504. If, in any school district which is required by this act to provide medical inspection for its public schools, such medical inspection as is herein required is not furnished within thirty days after the beginning of the school year, the Commissioner of Health shall, after two weeks' written notice to the board of school directors of such district, appoint a properly qualified medical inspector, or inspectors, for the district, for the remainder of the school year, and shall fix the compensation for the same, which shall be paid by the district.

Failure to act.

Notice.

Section 1505. The medical inspectors shall, at least once a year, inspect and carefully test and examine all pupils in the public schools of

Annual
inspection.

their districts, giving special attention to defective sight, hearing, or other disabilities and defects specified by the Commissioner of Health in his directions for the medical examinations of schools. Each medical inspector shall make to the teacher, or, if the board of school directors so directs, to the principal or district superintendent of schools, a written report concerning all pupils found to need medical or surgical attention, and giving careful directions concerning the care of each pupil who needs special care while in school. The teacher, or the principal, or district superintendent shall keep such report until the end of the school year, shall carry out as carefully as possible said directions concerning the special care of pupils while in school, and shall promptly send a copy of the medical inspector's report upon each child to the parents or guardian thereof.

Report.

Copy of report
for parents, etc.

Inspection of
privies, cellars,
etc.

Sanitary con-
ditions.

Reports to
Commissioner
of Health.

Section 1506. The medical inspector shall, at least once each year, and as early in the school term as possible, make a careful examination of all privies, water-closets, urinals, cellars, the water-supply, and drinking-vessels and utensils, and shall make such additional examinations of the sanitary conditions of the school buildings and grounds as he deems necessary, or as the regulations of the State Department of Health, or the rules of the board of school directors or of the local board of health require. He shall see that the laws of the Commonwealth relating to the health and sanitation of the public schools and the requirements of the local board of health are complied with.

Section 1507. He shall promptly make such reports to the Commissioner of Health as are required by him or by the regulations of his department, and such reports to the local boards of school directors as he deems necessary, or as are required by the Commissioner of Health or by the board of school directors. He shall perform such other duties as may be re-

quired by the health and sanitation laws of this Commonwealth or by the board of school directors.

Other duties.

Section 1508. Any board of school directors may employ one or more school nurses, who shall be graduates of reputable training schools for nurses, and shall define their duties.

School nurses.

Section 1509. No person having tuberculosis of the lungs shall be a pupil, teacher, janitor, or other employee in any public school, unless it be a special school carried on under the regulations made for such schools by the Commissioner of Health.

Persons having tuberculosis.

Section 1510. Any pupil prevented from attending school on account of the health or sanitation laws of this Commonwealth, or by the sanitary regulations of the local board of health or the board of school directors, is hereby relieved from complying with the provisions of this act concerning compulsory attendance, during such time as he is thereby prevented from attending school.—Act of May 18, 1911, P. L. p. 391.

Certain pupils relieved from Attendance.

4. SPITTING IN PUBLIC PLACES.

For the further protection of the public health by prohibiting spitting in public places; providing penalties for violation thereof.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person to spit on any public walk, public wharf or landing, or on the floor, platform, stairway, or elevator, or covering used thereon, of any railroad or railway station, or other building to which the public has access; or on the floor or platform or steps, or any covering used thereon, of any railroad or railway car, or other vehicle, conveyance, or common carrier used for the transportation of the public.

Public health.

Spitting in public places.

Section 2. It shall be the duty of owners of all such buildings, cars, or other vehicles, conveyances, or common carriers, used for

Duty of owners.

transportation of the public in this Commonwealth, or the officers in control thereof, to post and keep posted, in prominent places, conspicuously lettered signs warning the public against violating the provisions of this act, and calling attention to the penalty for such violation. Where spitting receptacles are provided for the convenience of the public, in buildings, and cars and other vehicles, that are open and in use daily by the public, such receptacles shall be cleansed and disinfected daily; and in buildings, cars, and other vehicles, that are not open or used daily, the said receptacles shall be cleansed and disinfected immediately after each day that such buildings, cars, and other vehicles are used by the public.

Section 3. Any person violating the provisions of section one of this act, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman, or magistrate of the county wherein such offense is committed, be sentenced to pay a fine of one dollar and costs; such fine to be paid into the treasury of the municipality in which the violation is committed; or, if committed upon a train or car, into the treasury of the municipality or township in which the offender is tried and convicted. In default of payment of such fine and costs, the offender shall be sentenced to be confined in the proper county jail for a period of not less than one day, nor more than five days.

Signs.

Receptacles.

Cleansing of.

Violations of section one.

Fine.

Non-payment.

Penalty.

Violations of section two.

Section 4. Any person or persons, firm or corporation, violating the provisions of section two of this act, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman, or magistrate of the county wherein such offense is committed, be subject to a fine of not less than five dollars, nor more than fifty dollars.

Section 5. Any constable, or other person authorized by law to make arrests, is hereby empowered to arrest persons violating the pro-

visions of section one of this act on trains or cars in motion or in transit, and to take such offenders before the nearest justice of the peace, alderman, or magistrate, either at the place where the offense is committed or at the next regular stopping place of the train or car; and such justices of the peace, alderman, and magistrates are hereby given jurisdiction in such cases.

5. NUISANCES.

1. Public.

Any person who shall erect, set up, establish, maintain, keep up or continue, or cause to be erected, set up, established, maintained, kept up or continued, any public or common nuisance, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine and suffer imprisonment, or either or both, according to the discretion of the court under the circumstances of the case; and where the said nuisance shall be in existence at the time of the conviction and sentence, it shall be lawful for the court, in proper county, at the expense of the defendant, to abate the same: Provided also, That all obstructions to private roads, laid out according to law, shall be nuisances, which would be nuisances in cases of obstructions to public roads or highways.—Sec. 73, Act March 31, 1860, P. L. 402.

Note.—The pollution of a stream from which water is taken by a municipality is indictable under this section. Comth. vs. Soulas, 16 Phila., 523, (1884). So is the keeping of a hog pen in a city: Comth. vs. Van Sickle, 4 Clark, 104 (1845).
A corporation may be indicted for maintaining a nuisance, N. C. R. vs. Commth., 90 Pa., 300, (1879); Del. Div. Canal vs. Comth. Id. 367.

2. Nuisances in Cities of the Third Class—Councils May by Joint Resolution Authorize the Mayor to Petition the Court of Common Pleas to Appoint Six Freeholders to Report on Such Alleged Nuisances.

From and after the date of the passage of this act, it shall be lawful for the select and common council of any city of the

third class within this Commonwealth, by a joint resolution, to authorize and empower the mayor of such city to present a petition to the court of common pleas of the county wherein such city is located, setting forth that any property, building, premises, business or occupation, specifying the same fully and describing the same accurately, located within said city has become a public nuisance, injurious or dangerous to the community, to the public health, and upon the presentation and hearing, of such petition, if the nuisance complained of be not a nuisance, per se, then it shall be lawful for the court to appoint six disinterested and discrete freeholders of said county to go upon the premises where said nuisance is alleged to exist at a time fixed in the order appointing the same, of which time due notice shall be given to all persons interested, which shall not be less than twenty days, nor more than thirty days, from the date of the order making such appointment, and shall thereupon, being first duly sworn, view the property, premises, building, business or occupation, shall hear the parties, their witnesses and counsel, and shall make due report thereof to the court appointing them.—Sec. 1, Act June 26, 1895, P. L. 367.

3. Duties and Powers of the Said Viewers.

The said viewers, appointed as aforesaid, shall have power:

First. To determine whether or not the property, premises, building, business or occupation is a nuisance, and if they shall find it is a nuisance, shall so return in their award; and,

Second. They shall further find what, if any, compensation, shall be paid by the said city to the owner or owners of said property, premises, building, business or occupation for the abatement of the same, and if the findings of the said viewers be in favor of the said city, and direct the abatement of said nuisance, then judgment shall be entered upon their award within thirty days after the same is filed, unless the said award be appealed from or exceptions thereto be filed within thirty days: And Provided, That no execution or other process for the collection of any sum of money awarded to any

person or persons, corporation or corporations, as compensation for the abatement of any nuisance, shall issue until the said nuisance has been fully and completely abated, and return thereof made to the court,—Sec. 2, Act June 26, 1895, P. L. 367.

4. Parties Interested May Appeal From Viewers' Award.

Any of the parties interested in any proceedings provided by the first and second sections of this act may appeal to the court of common pleas of the proper county within thirty days from the date of filing an award; such appeal be in the same form as now governs appeals from the awards of arbitrators, the party appealing to pay the costs incurred, and to give bond, with one surety, for the payment of all costs which may thereafter be incurred; and upon such appeal being perfected, the court shall frame an issue, which issue shall be placed at the head of the next trial list then open, and shall be tried by the court and jury in the same manner as feigned issues are now tried, and upon such trial the jury shall have power to find the same facts as are provided may be found by the viewers in the first section of this act; and if the jury shall find in favor of the city, and award any compensation to the owner or owners of said property, premises, building, business or occupation, judgment shall be entered upon the verdict of the jury: Provided, however, That no execution or other process for the collection of such judgment shall issue until the nuisance complained of shall have been fully and completely abated, and return thereof made to the court; upon which the court shall have power to award execution or other process necessary to enforce the collection of the judgment.—Sec. 3, Act June 26, 1895, P. L. 368.

5. When Owners of Premises Fail to Abate Nuisances Within Sixty Days, City Authorities to Enter and Abate the Same.

Whenever the award of viewers or the verdict of a jury shall find that a nuisance exists, and the owner or owners of any property, premises, building, business or occupation causing

the same shall fail to abate the same within sixty days from the date of the judgment, the authorities of said city shall have full power and authority to enter upon said property, premises or building where said nuisance exists, and abate the same, and shall not be liable in any form of action for so doing; and the cost and expense of abating the same shall be deducted from any compensation awarded in said proceedings.—Sec. 4, Act June 26, 1895, P. L. 368.

6. This Act Applies Only to Nuisances Which Are Not Such, Per Se.

This act is intended to apply only to such nuisances as are not such, per se, and all acts and parts of acts inconsistent herewith shall be and the same are hereby repealed.—Sec. 5, Act June 26, 1895, P. L. 368.

7. Regulation of Bone-Boiling Establishments—Permission of Health Authorities Required.

No establishment for bone boiling or depository of dead animals shall continue to be operated, or shall be erected and operated within any city or borough within this Commonwealth, unless the permission of the board of health of said city or borough shall have been obtained, and the said establishment shall be conducted in accordance with the regulations prescribed by the said board of health; and, further, in case a bone-boiling establishment or depository of dead animals exists, or is erected and conducted in a township in any county of this Commonwealth, the same shall be conducted under the supervision and subject to the regulations prescribed by the [State Board of Health] Department of Health.—Sec. 1, Act of May 19, 1897, P. L. 77.

8. Penalty for Violation of Act.

And every person offending against the provisions of this act shall, for every such offense, and each month's continuance of the same after notice, forfeit and pay to the board of health, if

in a city or borough, or to the school board of the district or township, if in a township, the sum of fifty dollars, to be recovered as debts of that amount are recoverable, and also be liable to indictment at common law for creating and maintaining a nuisance.—Sec. 1, Act May 19, 1897, P. L. 77.

9. Vacation of Alleys, Lanes or Passageways Declared Public Nuisances.

From and after the passage of this act, where the bureau of health or health officers of any city, county, township, borough, or district in the State shall declare as a public nuisance and menace to health any alley, lane or passageway located therein, used wholly or partly by the public, that thereupon any two or more owners of property, adjacent, contiguous or abutting upon the same, may present their petition, duly verified by oath or affirmation, to the court of quarter sessions of the said city or county in which the said alley, lane or passageway is located, setting forth the facts regarding the said nuisance, and praying that the said alley, lane, passageway, or so much thereof as may be necessary, be vacated; which said petition shall be accompanied by a certificate of the bureau of health or health officers, setting forth that they have declared the said alley, lane, or passageway to be a public nuisance and menace to health. That thereupon the said court shall appoint a jury of view, of six men, being duly qualified residents of the city or county where the proceedings are had. That the said jury being duly sworn or affirmed to faithfully perform their duties, shall give notice to the abutting, contiguous and adjacent property owners, or others that are likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court may direct; and after the said first meeting, the jury shall proceed to view the premises, and inquire into and take testimony in the manner usually pursued by juries of view in the opening of streets and the like; and then to present and file in the court of their appointment their report, in writing, of their findings and recommendations as to whether

or not the said alley, lane, or passageway, or so much thereof as may be necessary, be vacated, and awarding the damages, and assessing the benefits, if any, to the properties affected thereby: Provided, That after they shall have prepared their report the jury shall give notice, in writing, to all the parties to be affected by the said report, at least ten days before the day therein named for its filing, that the same is open to inspection, at a place within the said city or county named therein, within which period any party or person aggrieved thereby shall have the right to file, with the jury, exceptions thereto; whereupon it shall be the duty of the said jury to proceed to reconsider their report with the exceptions; and if the same, or any part thereof, are, in their opinion, in part or in whole, well founded, then it shall become their duty to modify their said report as justice may require, and thereupon file the same in the court of their appointment. If, however, no exceptions be filed within the period of notice, then it shall be the duty of the said jury, at the expiration of the said period, to forthwith file its said report in the court of their appointment: Provided further, That any party or person affected by the said report shall have, after the same is filed in the court aforesaid, the right to appeal to the court of common pleas of the city or county where the proceedings are had, within thirty days after the filing of the said report; whereupon the appeal shall, as to the parties thereto, proceed in the same manner as actions of trespass are now conducted. At the end of the period allowed for appeal the said report shall be absolutely confirmed by the court aforesaid, as to such awards or assesment of benefits from which no appeals have been taken: Provided, That this act shall not apply in any case where the vacation of such alley, lane or passageway shall wholly deprive any lot or lots of ground abutting thereon of the sole means of ingress or egress to or from such lot or lots.—Sec. 1, Act June 8, 1907, P. L. 503.

5. INFLAMMATION OF EYES OF INFANTS.

1. Midwives or Other Persons in Charge of Infants to Report Inflammation of the Eyes of Such Infants to Health Officer Within Two Weeks of Birth.

Should one or both eyes of an infant become inflamed, or swollen or reddened, at any time within two weeks after birth, it shall be the duty of the midwife or nurse, or other person having the care of such infant, to report in writing within six hours after the discovery thereof to the health officer, or legally qualified practitioner of the city, town or district in which the mother of the child resides, the fact that such inflammation, or swelling, or redness exists.—Sec. 1, Act June 26, 1895, P. L. 373.

2. Duty of Health Officer.

It shall be the duty of said health officer, immediately upon receipt of said written report, to notify the parents, or the person having charge of said infant, of the danger to the eye or eyes of said infant by reason of said condition from neglect of proper treatment of the same, and he shall also enclose to them directions for the proper treatment thereof.—Sec. 2, Act June 26, 1895, P. L. 373.

3. Health Officers to Furnish Copy of This Act to Midwives and Others.

Every health officer shall furnish a copy of this act to each person who is known to him to act as midwife or nurse in the city or town for which said health officer is appointed, and the Secretary of State shall cause a sufficient number of copies of this act to be printed, and supply the same to such health officers on application.—Sec 3, Act June 26, 1895, P. L. 373.

4. Penalty.

Any failure to comply with the provisions of this act shall be punishable by fine not to exceed two hundred dollars, or imprisonment not to exceed thirty days, or both.—Sec 4, Act June 26, 1895, P. L. 374.

6. PROVISIONS OF GENERAL APPLICATION RELATIVE TO THE SALE OF ADULTERATED MILK.

1. Penalty for Such Sales.

Any person or persons who shall knowingly sell or exchange or expose for sale or exchange any impure, adulterated or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars for each and every offense, and if the fine be not paid, shall be imprisoned for not less than fifteen days, or until said fine shall be paid.—Sec 1, Act May 25, 1878, P. L. 144.

2. Penalty for Adulteration of Milk.

Any person who shall adulterate milk, with the view of offering the same for sale or exchange, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars for each and every offense, and if the fine be not paid, shall be imprisoned for not less than eight days, or until said fine is paid.—Sec 2, Act May 25, 1878, P. L. 144.

3. Milk Wagons to Be Plainly Marked.

Any person or persons who shall, in any cities, boroughs and villages, having a population of one thousand inhabitants and upwards, engage in or carry on the sale, exchange or traffic in milk, shall have the carriage or vehicle from which the same is vended conspicuously marked with his, her or their names, also indicating the locality from whence said milk is obtained, or

where produced; and that for every neglect of such marking, the person or persons so neglecting shall be subject to the penalties provided for in section second of this act.—Sec. 3, Act May 25, 1878, P. L. 144.

4. Penalty for Deceptive Marking.

For marking wagons or vehicles so as to convey the idea that said milk is procured from, or produced in, a different locality than it really is, the person or persons so offending shall be subject to a fine of fifty dollars, or imprisonment not less than thirty days, or both, at the discretion of the court.—Sec. 4, Act May 25, 1878, P. L. 144.

5. What to be Deemed an Adulteration of Milk, Etc.

The addition of water or of ice to the milk is hereby declared an adulteration; that any milk obtained from animals fed on distillery waste or any substance in a state of putrefaction, is hereby declared to be impure and unwholesome.—Sec. 5, Act May 25, 1878, P. L. 144.

6. Inspection of Milk.

The councils of cities and boroughs in this Commonwealth be and they are hereby authorized and empowered to provide for the inspection of milk, under such rules and regulations as will protect the people from adulteration and dilution of the same.—Sec. 1, Act April 20, 1869, P. L. 81.

7. Sale of Adulterated Milk Prohibited in Cities of the Second and Third Classes.

In cities of the second and third classes, whoever, by himself, or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk pro-

duced from cows fed upon any substance in a state of putrefaction, or from sick or diseased cows, shall, for such offense, be punished by a fine of not less than twenty nor more than one hundred dollars.—Sec. 1, Act July 7, 1885, P. L. 260.

8. Sale of Milk From Which Cream Has Been Taken as Fresh Milk Prohibited.

Whoever, by himself, or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession, with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or any part thereof has been removed shall, for such offense, be punished by the penalty provided in the preceding section.—Sec. 2, Act July 7, 1885, P. L. 260.

9. Milk From Which Cream Has Been Taken to be Sold From Vessels Marked Plainly "Skimmed."

No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange or deliver, or have in his custody or possession, with intent to sell, exchange or deliver, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can or package from or in which such milk is sold the words "skimmed milk" are distinctly painted in letters not less than one inch in length.

Whoever violates the provisions of this section shall, for such offense, be punished by the penalty provided in section one of the act.—Sec. 3, Act July 7, 1885, P. L. 260.

12. When Milk Shall be Deemed to Have Been Adulterated.

If the milk mentioned in sections one and two of this act is shown, upon analysis, to contain more than eighty-seven and fifty-one-hundredth percentum of watery fluid, and to contain less than twelve and fifty-one-hundredth per centum of milk solids, and less fat than three per centum, and if the specific

gravity at sixty degrees Fahrenheit is not between one and twenty-nine-one-thousandths to thirty-three-one-thousandths, it shall be deemed to be adulterated.—Sec. 4, Act July 7, 1885, P. L. 260.

13. When “Skimmed” Milk Shall Be Deemed Adulterated.

If the “skimmed” milk mentioned in section three of this act is shown, upon analysis, to contain less than six per centum of cream by volume, and less than two and five-tenths per centum of fat by weight, and if the specific gravity at sixty degrees Fahrenheit is not between one and thirty-two thousandths, to one and thirty-seven-thousandths, it shall be deemed to be adulterated.—Sec. 5, Act July 7, 1885, P. L. 260.

14. Inspector to Take Specimens for Examination, Etc.

Whenever the inspector of milk has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instrument or instruments as are used for such purpose, and if the result of such test indicates that the milk has been adulterated or deprived of its cream, or any part thereof, the same shall be prima facie evidence of such adulteration in prosecutions under this act. If the said inspector shall deem it necessary, he shall cause such milk to be analyzed, the result of which analysis he shall record and keep as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in prosecutions under this act. The expense of such analysis, not exceeding fifteen dollars in any one case, may be included in the costs of such prosecutions.—Sec. 6, Act July 7, 1885, P. L. 261.

15. Milk Inspectors to Institute Proceedings for Violations of the Provisions of This Act—Fines to be Paid to Use of Board of Health.

It shall be the duty of the inspector of milk to commence proceedings in the name of the board of health for any violations of the provisions of this act, from his own knowledge, or on information of any person giving satisfactory evidence to him of such violations before any mayor, deputy mayor or alderman of said cities.

The recovery of fines or penalties imposed and inflicted on any person by the provisions of this act, shall be for the use of said board of health, and upon non-payment of the fines or penalties imposed and inflicted, as aforesaid, such person shall be committed to the county jail for a period not exceeding thirty days.—Sec. 7, Act July 7, 1885, P. L. 261.

16. Violations of Provisions of This Act Made Misdemeanors.

In addition to the fines mentioned in the foregoing sections of this act, any person or persons violating the same shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than fifty, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both, or either, at the discretion of the court.—Sec. 8, Act July 7, 1885, P. L. 261.

That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes to sell, offer for sale, expose for sale, or have in possession with intent to sell, milk which contains any added water, or milk which has had the butter-fat, or any portion thereof removed therefrom; Provided, however, That skimmed milk, when clean and wholesome, may be sold, if sold as skimmed milk: And provided, further, That no cream shall be sold as cream if it contains less than fifteen (15) per centum butter-fat.

That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than twenty (20) dollars, nor more than fifty (50) dollars.—Sec. 1-2, Act of March 24, 1909, P. L. 62.

AN ACT.

For the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, eggs that are unfit for food, within the meaning of this act.

Public health.

Eggs.

Section 2. This act shall apply to eggs that, either before or after removal from the shell, are wholly or partly decayed or decomposed, and to eggs in the fluid state, any portion of which are wholly or partly decayed or decomposed, or that are mixed with parts of eggs that are derived from eggs that are wholly or partly decayed or decomposed. This act shall also apply to frozen or broken eggs, if the mass contains eggs that are wholly or partly decayed or decomposed, or that are mixed with parts of eggs that have been taken from eggs that were wholly or partly decayed or decomposed.

Application of act.

Section 3. That it shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants, or employes, to use eggs that are either wholly or partly decayed or decomposed, in the preparation of food products: And provided further, That there shall be no delivery, sale, purchase, or acceptance of wholly or partly decayed or decomposed eggs in or at any establishment where food products are prepared or manufactured.

Use of decayed or decomposed eggs.

Proviso.

Section 4. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not

Misdemeanor.

Penalty.

less than two hundred (\$200) dollars, nor more than one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than three (3) months, nor more than nine (9) months, or both or either, at the discretion of the court.

Section 5. That the Dairy and Food Commissioner shall be charged with the enforcement of the provisions of this act.

Disposition of
fines.

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner, or his agent, and, when so collected and paid, shall thereafter be, by the Dairy and Food Commissioner, paid into the State Treasury, for the use of the Commonwealth.

Approved—The 11th day of March, A. D. 1909.

EDWIN S. STUART.

AN ACT

Relating to milk: providing for the protection of the public health, and the prevention of fraud and deception, by regulating the sale of milk, skimmed milk and cream; providing penalties for the violation thereof; and providing for the enforcement thereof.

Public health.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, milk which contains any added water, or milk which has had the butter-fat or any portion thereof removed therefrom, or milk to which has been added any substance for the purpose of increasing its consistency or thickness, or milk which contains less than three and one-quarter ($3\frac{1}{4}$) per centum of butter-fat and less than twelve (12) per centum of milk solids: Provided, however, That skimmed milk, when clean and wholesome, may be sold, if sold as skimmed milk.

Milk.

Section 2. That it shall be unlawful for any person, firm or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes, to sell, offer for sale, expose for sale, or have in possession with intent to sell, cream which contains or is mixed with any added condensed or evaporated milk or cream, or cream to which has been added any substance for the purpose of increasing its consistency or thickness, or cream which contains less than eighteen (18) per centum of butter-fat: Provided, That cream, when it contains or is mixed with any added condensed or evaporated milk or cream, may be sold, if the vessel or container in which such cream is sold is plainly labeled, stating the fact that such cream contains or is mixed with added condensed or evaporated milk or cream, and the amount thereof.

Cream.

Proviso.

Container shall be labeled.

Section 3. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five (25) dollars, nor more than fifty (50) dollars, or imprisonment for not less than thirty (30) days, nor more than ninety (90) days, or either or both, at the discretion of the court.—Act June 8, 1911.

Violations.

Penalty.



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